**University of Alberta**

# Translating the *Hijra*:
# The Symbolic Reconstruction of the British Empire in India.

by

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in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

Department of Sociology

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# Abstract

This dissertation examines the relationships between citizenship and sexuality and gender in imperial formations, through an archaeology/genealogy of the subject position of those classified as the *hijra*. Combining Lacan's symbolic order with Foucault's historic *a priori* in order to understand empire, this project examines two main questions: how were sexuality and gender -- notably manifest in the subject position of the *hijra* -- used as forms of political control in colonial India; and how transformations in empire were produced through changing representations of the *hijra*. Consequently, the *hijra* represent a key point -- or, in the words of Lacan, *le point de capiton* -- in the anchoring of a field of meaning that enabled colonial governance in both a diachronic and synchronic fashion; in other words, the figure of the *hijra* was translated by the colonial writers in such a way as to facilitate the creation of an ideology that privileged British understandings of sexuality and masculinity, not to mention civility, modernity, and, to a degree, religiosity, establishing British authority in the region.

This project consists of a textual analysis of nineteenth-century British documents and writings, especially historical records, such as ethnographies, translations, census information, official reports, intra-government communications, and legal documents from the late eighteenth through early twentieth centuries, with a focus on the nineteenth. Through an examination of these sources, this dissertation explores how this group was translated by the colonial authorities; that is, it queries the conditions under which they were

represented as a group that was constituted by those who were defined by sexual and gendered characteristics -- eunuchs, hermaphrodites, and impotent men.

# Acknowledgements

Writing a dissertation of this nature is not a project that can be completed by a solitary individual. Yet, the very notion of authorship assumes a reification of the relations that goes into the production of this type of work. In order to not fall into such a trap, I must give credit to the other authors of this project. I must thank the Social Sciences and Humanities Research Council and the Shastri Indo-Canadian Institute; without their monetary assistance, I would not have been able to undertake an endeavour of this magnitude. In addition, the British Library, the National Archives of India, and the Pune and Mumbai Archives all were generous in providing not only access to invaluable sources, but helped me navigate some very difficult terrains.

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**Appendix One – Occurrences of the Term 'Eunuch' in Original Texts ................ 433**

The term *hijra*:

> describe[s] different forms of transgender/ homosexual identity as specific to India. To refer to the whole variety of identities which question the heterosexual framework we have used the term 'queer' which arose in the context of a dissatisfaction with lesbian and gay politics and a need to embrace the diverse ways in which heterosexism was contested. (People's Union for Civil Liberties, Karnataka 2003: 15)

*Hijras* are:

> Primarily biological males, rarely hermaphrodites, a few Hijra castrate themselves, as they have no use for the penis. (Pattanaik 2002: 11)

> ... males and physically intersexed individuals. (Roscoe 1997: 73)

## Chapter One -- Introduction

To begin this project, I want to discuss a vignette, situated in British India. The purpose of the following discussion is to highlight certain empirical and theoretical issues within which this dissertation will be situated. This narrative begins on August 23rd, 1842, when Sawul Hijra's world was turned upside down. He held 41 acres of land near Pune, India, which he had received from his guru. This land, originally granted to Ansee Hijra in 1730, had been passed down through five generations of *hijra*. However, on this date in 1842, the Collector of land revenue from the colonial state in the area called into question the basis for this claim to inherited land. Since the *hijra* were ostensibly a group of eunuchs, then, the Collector argued, they could not inherit land, since, according to 'custom', property could only be passed down through those of a male *lineage*. Yet, eunuchs could not procreate and, therefore, could not produce the heir to their bequeathment. In the end, the colonial Revenue Department decided not to take away Sawul's land, but to terminate the policy of allowing it to be passed down from guru to disciple for the *hijras*.

This decision was a remarkable one because it privileged one tradition -- that of patrilineal inheritance -- over another custom. In the words of Richard Spooner, Acting Collector of the Pune region, this practice of bequeathing from a guru to a disciple was a 'Custom of the Community'[1]. The reason that the decision to put an end to this custom was made, according to various correspondences[2] on the matter, was because of the unnamed/unnameable profession of this class before the 'British accession'. In spite of Spooner's declaration of his knowledge of this custom, however, the Revenue Department, in a letter to the Court Directors of the East India Company, stated that the *official* reason for this decision is that they had no familiarity with this custom of inheritance with the *hijra*[3]; that is, they made no reference to their morally questionable occupation in the official ruling. Yet, it was clear from other sources around this period that it was well-known that the *hijra* indeed practiced this tradition. Consequently, given the contradictions in the accounts of the colonial state, it is evident that there was some quality of the *hijra* that inspired the British colonial Revenue Department to support one form of custom over another. From the various correspondences around this topic, it is quite clear that the characteristics in question are ones of sexuality and gender; that is, the *hijra* were represented as a group of eunuchs whose transgressive actions disturbed the British.

Once Sawul died, the land escheated to the colonial state. In 1852, however, a disciple of Sawul, Sagoonee Hijree, petitioned the government to allow her the use of the land[4]. The government upheld its original ruling, maintaining that any deviation from such a decision would surely result in

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[1] Mumbai Archive (hereafter M.A.): R.A. 1844; 74/837. Letter from Richard Spooner, Acting Collector, to D. Blane, Revenue Commissioner of Southern Division (7th May 1844).

[2] M.A.: R.A. 1844; 74/837. Letter from Richard Spooner, Acting Collector, to D. Blane, Revenue Commissioner of Southern Division (7th May 1844); M.A.: R.A. 1844; 74/837. Letter from D. Blane, Revenue Commissioner of Southern Division, to R. Spooner, Acting Collector of Poona (13th May, 1844); M.A.: R.A. 1844; 74/837. Letter from D. Blane, Revenue Commissioner of Southern Division, to E. H. Townsend, Secretary to Government (23rd May 1844).

[3] M.A.: R.A. 1844; 74/837. Extract paras 101 to 105 of Revenue Letter to the Hon'ble Court of Directors (22nd March 1845).

[4] M.A.: R.A. 1852; 117/1621. A Petition from Sagoonee Hijree to Falkland , Governor and President in Council (English translation, 18th February 1852).

"scandalous breach of public decency"[5]. This quotation was not a reference to the original decision, but to a legal decision that came about eight years after the original pronouncement had been made. In other words, the colonial state sustained its judgement on the Sawul case, not using its original reasons, but in reference to new ones. Again, this points to a desire to strip away the inheritance rights of the *hijra*, through the evocation of any reasoning possible.

This vignette begs several questions, although, for me, one emerges as most significant: why was the colonial state interested in curtailing the citizen rights (that is, inheritance rights) of a certain class of persons? This dissertation is situated within this question. The project that is carried out in these pages examines the relationships between citizenship and sexuality and gender in imperial formations, through an examination (or, in technical terms that I will elaborate on in moments, an archaeology/genealogy) of how the *hijra* were constructed. This constructedness can be seen in the way that Sawul was not treated simply as a person, but was depicted, first and foremost, as a *hijra* with certain attributes and qualities. It is this classification of *hijra*, one that speaks not to individual traits, but to ones that are associated with the class, that I want to examine as a subject position, a notion that I will elaborate on later. In examining the *hijra*, I will ask two main questions. First, how were sexuality and gender -- notably manifest in the subject position of the *hijra* -- used as forms of political control in colonial India? This can be seen in the way that the colonial state excluded the *hijra* from bequeathing property because of their sexually and gendered transgressive activity. Second, how were transformations in empire produced through changing representations of the *hijra*? That is, why did, in 1844, the state deny Sawul the ability to pass down property, based on a specific representation of the *hijra* as partaking in customs that were in violation of the norms of the rest of the community, while, according to the 1852 documents, it denied her disciple the same rights through a depiction of her as engaging in an activity that was a 'scandalous breach of public decency'? That is, how did this change in portrayal of the *hijras* indicate a change in colonial practices?

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[5] M.A.: R.A. 1852; 117/1621. A Letter, name and date undecipherable.

In spite of this, I am also arguing that the *hijra* were not simply a construct of the British imaginary. Yet, while they did exist before the colonial accounts, these representations moved them from a 'local' sphere of meaning to a British one; they were translated from one way of understanding the world to another. To illustrate this, Sawul was translated from being understood as a person whose right to bequeath her property to her disciples was supported by the government, to being part of a way of understanding that denied her inheritance rights based on various and differing reasons. Consequently, I argue that the *hijra* represent a key point in the anchoring of a field of meaning that produced colonial governance in both a diachronic and synchronic fashion; in other words, the figure of the *hijra* was translated by the colonial writers in such a way as to facilitate the creation of an ideology that privileged British understandings of sexuality and masculinity, not to mention civility, modernity, and, to a degree, religiosity, establishing British authority in the region.

This dissertation, then, through using primary documents such as official correspondences, government reports, census details and summaries, in addition to published and legal accounts of the *hijra*, contributes to current historical research on colonial governmentality and its legacies in South Asia. However, I do this in a theoretically original way. Combining Lacan's theory of a symbolic order with Foucault's concept of a historic *a priori* in order to understand empire, this project adds to the understanding of empire, not to mention Orientalism, the construction of the colonial nation-state, and use of subject positions in historical research. Consequently, not only does this dissertation aid in understanding empire, but it provides a much needed examination into the colonial construction of the *hijra*.

### ***The Desire to Know***

Before I begin, however, it would be useful to locate my desire to know within my field of study. My first academic introduction to the *hijra* was through a series of articles that examined the role of the *hijra* in the political sphere in India. Throughout the twentieth century, the *hijra* have been disfranchised. Even though they received the right to vote in 1936, it was not as women -- their preferred identity -- but as men. They did not receive the right to vote as women until 1994 (Hall 1997). And, it was not until 1998 that the first *hijra*, Shabnam Mausi, was elected as a member of the legislative assembly, which paved the way for some of this group to achieve success in mayoral politics[6]. With this entrance of *hijra* into politics, many political representatives acknowledged their status as citizens. One such speaker, a local politician named O.P. Jindal, exemplifies this point by referring to a *hijra* Congress nominee as "a bonafide citizen" (quoted in Kidwai 2005).

This previous disfranchisement struck me as a significant one for several reasons. First, the relevance of the interest in the *hijra*, *qua* people who are defined by their sexual characteristics, as having a particular presence in the political arena is questionable. That is, as Vera Mackie (2001) asked: "Why is it worthy of mention that a trans-sexual, a hermaphrodite or a eunuch should be elected to represent a group of citizens in a particular region" (190)? Second, insofar as the right to vote is one that is linked to the realm of citizenship, the question arises of why such a class of people have been excluded such rights. In fact, this right is not the only one that is excluded for this group; in the words of Paula Bacchetta (1999) "hijras have had no rights to inheritance, adoption, custody, hospital visits, or to the bodies of their deceased partners or kin" (159).

This account of the disenfranchisement of the *hijra* speaks to the vignette that I discussed above. Although these two case studies are separated by a chasm of time, they point to the complicated relationship between citizenship and sexuality and gender. By addressing the concerns that come out of the first case study, my dissertation speaks to this second one, as well. That is, by investigating the historical context and explanations for the control of sexuality and gender through the manipulation of access to rights thought to be based on citizenship, this dissertation also speaks to the legacies of empire. As a result, while this project is firmly situated in the late eighteenth through early twentieth centuries, with a focus on the nineteenth, it has ramifications for contemporary politics.

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[6] Two eunuchs were elected to the positions of mayor, Kamla Jaan in Katni during 1999 and Ashadevi in 2000 for the city of Gorakhpur.

## Project Summary

To understand the disenfranchisement of the *hijra*, I will investigate the ways in which it was constituted through relations, rather than abstract causes; I will examine how it was produced at the level of lived experience. That is, I will explore its emergence in the field of immanence. Gilles Deleuze contrasts such a plane with one of transcendence, which "neither refers to an object nor belongs to a subject" (Deleuze 1997: 3). The latter refers to the ways that various practices of cultural histories tend to reify their subject through references to 'transcendent' ideas: colonial discourse, power, modernity, and such. In opposition to this, Deleuze posits a plane of immanence in which "an animal, a thing, is never inseparable from its relations with the world ... The speed or slowness of metabolisms, perceptions, actions, and reactions link together to constitute a particular individual in the world" (1988[1970]: 125). Thus, a plane of immanence focuses on experience, on the lived. Correspondingly, I will consider how such a disenfranchisement can be explained by studying its history, particularly in the framework of the British Empire in India. In fact, the emergence of the relationship between citizenship and sexuality and gender is immanent in the ways in which imperial power in this colony was articulated. Consequently, in exploring this relationship in the case of the *hijra*, this project examines the British Empire in India. It is for this reason that I must briefly outline what will serve as a framework for one of the main problematics of this dissertation: the transformations and continuities of the British Empire in India.

While I provide an overview of the slow expansion and intensification of British imperial power in the following section, entitled 'Historical Context', it is important that I say something about it here. The legacy of British political presence in India began, I will argue, in the middle of the eighteenth century. Beginning with the East India Company, which held significant political control until 1858, when it was replaced as a governing body by the British Crown, the British gradually gained influence in the subcontinent. However, the British in India, coming out of recent loss of a colony in the Americas in the late eighteenth century, did not wish to rule India directly. Instead, they engaged in the management and organisation of knowledge. This is apparent in a body of debates between two groups knows as the Orientalists and the Anglicists, of which I will expand on later in this chapter. Through using this rather surreptitious way of 'governing' India, the British produced a particular colonial state and managed to avoid the contradiction between their imperial endeavour and their prized values of liberty and equality. This way of governing India changed, once the 1857 Rebellion erupted. With this revolution, the form of the colonial state that the British administered changed drastically, with the subtle control of knowledge being replaced by far more direct modes of governance. This transformation saw an increased regularisation and codification of imperial authority. When the dust settled from the revolution, the imperial relationship between Britain and India was very different, and the ways that power was articulated in the colonial context was altered.

Given this transformation in the British Empire in South Asia, coupled with my stated interest in the relationship between citizenship and gender and sexuality as is evident in the case of the *hijra*, the main research questions of this dissertation is two-fold. First, I want to investigate how sexuality and gender were used as forms of political control in colonial India. The *hijra*, I will argue, represent a point at which imperial control was articulated; that is, it is through the *hijra* -- or what I will call the subject position of the *hijra* -- that imperial force was evident. Thus, the *hijra* were translated as a subject position that enabled a specific form of colonial governance.

Second, this use of the subject position of the *hijra* to enact imperial governance was not constant, but changed as empire itself changed[7]. In this way, the representation of the *hijra* are what Antonio Gramsci called 'conjunctural'. Gramsci argued that a crisis that has emerged in a particular social/political struggle, which is the result of the "incurable structural contradictions" (1992[1971]: 178), requires that those in power attempt to resolve the crisis in such a way as to enable their rule to continue. Often, those in power will attempt to maintain the status quo through programmes and policies that are devised to resolve the crisis. This conjunctural dimension also applies to the constructions of the subject position of the *hijra*. As inherent structural problems arose within the imperial project, the administrators of British India attempted to resolve these crises through "minor, day-to-day" (Gramsci 1992[1971]: 177) actions; I would include the representations of the *hijra* in this category. In this, part of this project is to investigate how the *hijra* represented a reinvention of imperial control for a different political order, especially around the 1857 Rebellion. Consequently, this endeavour tracks the changes in empire through the subject position of the *hijra*.

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[7] This change can be seen as a product of the plethora of historical and political forces that affected empire.

These two problematics necessitate several theoretical considerations. First, as mentioned above, I understand the relationship of the *hijra* to empire through an idea of a subject position. That is, those who sought to discipline, sanction, and represent the *hijra* were concerned less with the control of an individual than with the governance of a class of persons. It is the ways in which imperial administrators thought this class was constituted that defined the subject position of the *hijra* as an ideal type. Consequently, I use the language of metaphor -- notably 'trope' and 'figure' -- to refer to the *hijra* as a subject position.

Second, I must theorise the notion of empire itself. To do this, I introduce the concept of a discursive architecture. A discursive architecture is a metaphor that envisions empire as constituted through discourse and language in such a way as to emphasise the colonial encounter as being one of translation. That is, imperialism is a context in which cultures are made intelligible through the dialectical process, but in such a way as to transform the translated culture -- if not the translator -- into something new, a hybrid. To understand empire as a discursive architecture, I use two concepts that enable two levels of analysis, which roughly parallel the twinned problematics of this project.

The first axis focuses on the ways in which empire is a symbolic order. A symbolic order, a notion developed by Jacques Lacan, is based in the Saussurean theory of the sign. For Saussure, the sign points to "differences without positive terms" (1966: 118); a word refers not to a specific object, but to the difference between the categorisation of objects. Meaning, then, is not based on qualities of the signified, but in the differences between other signifieds. From this, Lacan built his symbolic order as a realm of the Symbolic, which includes language. But, insofar as it is a symbolic realm and is based on Saussure's concept of the sign, it is a system based on differences without positive terms. Consequently, given that meaning is based on difference and not some attribute of the signifieds themselves, the meanings that are part of the realm of the symbolic are always in flux. For this reason, they need to be anchored. Lacan understood this anchoring to be the job of 'nodal points', or sites which stabilise meaning in such a way as to make the symbolic order seem constant. Thus, empire is a symbolic order that is dependent on certain nodal points, or points that anchor the symbolic order in such a way as to establish it. In this project, the subject position of the *hijra* functions as such a nodal point, quilting empire, especially as it anchors notions of sexuality and gender and connects these ideas to citizenship. This axis, then, is synchronic, insofar as it is relatively ahistorical; it looks at a moment in time, rather than across moments. For my analysis of this axis, I draw heavily on Lacanian theory.

The second axis looks at how the symbolic order of empire was constructed and transformed through time. In particular, I track the ways in which the symbolic order changed through the transformation in the use of the subject position of the *hijra*. This notion of an examination of the immanent causes of transformation is what Foucault referred to with his idea of the historic *a priori*. Insofar as I focus on the mechanisms of imperial power, I utilise this Foucaultian framework. Consequently, empire is also a historical *a priori*, one that can capture the changes over time of empire, thereby capturing a diachronic axis for analysis. Thus, these two theoretical frameworks allow me to investigate empire both as a Lacanian symbolic order and as a Foucaultian historical *a priori*.

### ***Archaeology and Genealogy***

Given the two-fold problematic and axes of empire as a discursive architecture, this project resists a reduction to a clear and concise methodology.

On one hand, I am engaging in a Foucaultian archaeology. This methodology is one that

> does not imply the search for a beginning; it does not relate analysis to geological excavation. It designates the general theme of a description that questions the already-said at the level of its existence: of the enunciative function that operates within it, of the discursive formation, and the general archive system to which it belongs. Archaeology describes discourses as practices specified in the element of the archive[8]. (Foucault 1989 [1969]: 148)

In this way, it uncovers discourses in such a way as to study a historical *a priori* formation, not in terms of coherence, which he asserts is assumed in the history of ideas, but by focusing on contradictions and ruptures; in short, on rules of formation. Through this study of the rules that define the conditions of possibility of a discursive formation, which, in my case, is the symbolic order of empire, archaeology locates the statements -- the atom of discourse that is specific to a particular utterance, defined as rare by its dependence on a plethora of nigh-never reoccurring circumstances -- that compose an archive in its totality, revealing the immanence of such an occurrence. Thus, archaeology is a methodology that has as its target the immanent occurrences of that which constitutes the archive, rather than the transcendental elements that Foucault purports is the focus of historians.

On the other hand, I am conducting a genealogy. The weakness of Foucault's archaeology, according to various writers, is that it is synchronic insofar as it has as its object a totality at a single moment. This attention to the totality as a 'snapshot'[9] has motivated some scholars to refer to this methodological formulation as 'structural', especially in contrast to the 'post-structural' genealogy (Mills 2003), and as a precursor to the ostensibly more relevant genealogy (Fox 1998). The better methodology for these academics is Foucault's genealogy. Unlike Foucault's archaeology, his genealogy is diachronic. It has three main elements that are relevant for my project, as he discussed in his seminal article, 'Nietzsche, genealogy, history' (1977 [1971]).

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[8] An archive is, in Foucault's words, "*the general system of the formation and transformation of statements* (1989 [1969]: 146).

[9] I borrow this metaphor from Gavin Kendall and Gary Wickham (1999: 31).

First, it is not interested in *Ursprung*. That is, it is not a search for origins, since such an examination assumes an 'essence of things'; it does not search for the transcendent, but rather it searches for the 'vicissitudes of history' or the plane of immanence. Second, it is a study of *Herkunft*, or descent, which is the seeking of the "subtle, singular, and subindividual marks that might intersect in [an individual, sentiment, or idea] to form a network that is difficult to unravel" (145). Thus, it follows the accidents and deviations that spawn things. Finally, it is the study of *Entstehung*, or emergence. Things emerge from the field of forces that struggle with each other or against external circumstances. A genealogy must study the emergence of phenomena through the processes of domination; power is central for Foucault's genealogy. In this way, such a methodology is an 'effective history' insofar as it is an immanent historical study of forces and, as such, is compatible with the conjunctural history that I discussed earlier. Moreover, it is a political method; the search for origins often hides a relationship between knowledge and power such that the 'truth' discovered by a non-genealogical history obfuscates the role of power that brought it into emergence. Consequently, as Wendy Brown (2001) argues, "[o]ne of the most important aims of genealogy is to denaturalize existing forces and formations more thoroughly than either conventional history or metaphysical criticism can do" (103). In this way, this method constructs a history of the present; it "studies what is closest" (156). As the object of the genealogy exists in the present, the history of its emergence -- and the bringing to light of the historical power struggles that sired it -- is its goal.

While, as noted by Stevens (2003), many academics have argued that Foucault's shift from archaeology to genealogy is not as much methodological as it is one based on vocabulary, I align myself with Ann Stoler (1995), who asserts that they do point to two different forms of analysis. Moreover, drawing on a lecture by Foucault, she argues that these two methods were *complementary* tools of analysis. Stoler quotes him as stating:

> 'archaeology' would be the appropriate methodology of th[e] analysis of local discursivities, and 'genealogy' would be the tactics whereby, on he basis of the descriptions of these local

> discursivities, the subjected knowledges which were thus released would be brought into play. (cited in Stoler 1995: footnote 60)

In the same way, I use archaeology and genealogy to point to the two axes of my discursive architecture. On one hand, I use archaeology to investigate the totality of the symbolic order, to track the links between representations around a nodal point that holds it together. On the other hand, I engage in a genealogy to track the ways in which power operated in the symbolic order, transforming it from a largely mercantile endeavour to one whose very existence was deemed to be necessary for the moral 'evolution' of the Orientals in India.

One of the most important ways in which empire is articulated is in the symbolic order of the nation-state; that is, the idea of a nation-state carries with it the imperial venture. Consequently, while one of my tasks is to come to understand empire as a discursive architecture, one of the corollaries of this endeavour is to outline how this architecture is related to the nation-state. Thus, the third theoretical consideration that I must address is the ways in which the nation-state, especially the colonial nation-state, is linked to empire. To do this, I understand the colonial nation-state as an ideological formation, produced out of the negotiations of rule that is present in every debate, translations, and dispute that emerges out of the colonial process. Thus, it is from the minor, micro-level actions involved in everyday colonial activity that the idea of the colonial nation-state emerges. And, it is this ideology that articulates empire.

Thus, this dissertation deals with the emergence of empire, both diachronically and synchronically. Through this examination, I will argue that citizenship and sexuality and gender, evident in the subject position of the *hijra*, represented a reinvention of imperial control for a different political order. This subject position articulated the discursive architecture of empire, especially through the ideology of the colonial nation-state, in such a way as to make imperial governance digestible in the colonial context. Moreover, since I focus on the immanent emergence of the symbolic order, this study analyses empire, not as a transcendental notion, but one that emerges in the everyday.

### *Historical Context*

This dissertation is embedded in a particular historical background, one on which I must elaborate before I continue. In the following section, I will locate the concerns of my project in their empirical and historical context. Specifically, I will highlight the changes in the political structure in the colonial regime in British India, with attention to the subsequent social affects, especially the ways in which knowledge was constructed in relation to the political project. Through this discussion, I will demonstrate the ways that the colonial nation-state was transformed by and transformed knowledge; this dialectical process points to how the cultural and political intersect in significant ways.

The beginning of British political presence in South Asia can be traced back to the mid-eighteenth century. In 1757, the British defeated Siraj Ud Daulah and his French allies at Plassey (Palashi, a small town on the Bhagirathi River in Bengal), thereby placing Bengal under military rule of the East India Company. In 1765, however, the Company, under Robert Clive, received the *Diwani* rights -- or revenue authority -- in modern Bengal, Bihar, Jharkhand, and Orissa, through the Treaty of Allahabad. The Treaty effectively legalised the presence of the British East India Company as ruler in the region in terms of revenue, although the *Nawab* maintained judicial power. Since the Company already held military power in the area, the legitimacy of collecting the revenue gave the Company a fair amount of indirect power. However, by the 1780s, the *Nawab* granted the administration of justice to the British authorities[10] allowing them to reform the administration. By 1784, the India Act was evoked, which stabilised the form of government in South Asia. This legislation was passed by the Parliament to regulate the East India Company in India (especially the powers granted to the Company through the Regulating Act of 1773). Through this Act, a Board of Control (also known as the India Board) was put into place, which allowed the British Crown to jointly administer India, with the Company. This Board continued its influence until 1858.

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[10] Specifically, the *Nawab* gave the administration to Charles Cornwallis, the then Governor General of India.

With this political structure in place, the British, through various processes, controlled, invented, translated, and monitored various forms of knowledge that had the effect of indirectly governing the populace. One example of this process of knowledge construction can be seen in the so-called debates of the Orientalists and the Anglicists, or, as Suparna Bhaskaran (2002) refers to them, 'policies of coercive integration' and 'policies of coercive isolationism'. In the words of Peter van der Veer (2001), the former argued that the East Indian Company "should continue its policy of supporting native religious and educational institutions", while the latter asserted that "there was little of value in these native institutions which should be replaced by the more civilized and advanced institutions of England" (41). Famous Orientalists, such as William Jones and Henry Colebrooke, attempted to translate various indigenous texts into English, in an effort to better understand the customs of the people. A significant part of this goal was to determine the laws and regulations of the pre-existing social order, so that their administration could reflect them. Anglicists, on the other hand, felt that the Indian population would be better served by following the policies and practices of England; in the words of Gauri Viswanathan (1997) it was a policy of "vigorous advocacy of Western instead of Eastern learning" (115).

The conflict between these two groups goes back as far as to the controversy around Governor-General Warren Hastings and the subsequent policies of Governor-General Charles Cornwallis. Hastings was impeached[11] in 1787, but, in 1795, was acquitted. During the impeachment trials, Edmund Burke[12] spoke out against Hastings, accusing him of engaging in a 'geographical morality', or a form of morality that denies universality. As one scholar put it, Hasting was accused of violating the norm that: "the laws of morality are the same every where" (Bennett 1962: 55). After Hastings was impeached, his successor, Cornwallis, blamed the scandals and deteriorating standards of the regime on his policies of accommodating to the indigenous customs (Vishwanathan 1997). To fix this problem, he turned to the English policies and laws, or Anglicisation. Both Burke and Cornwallis, articulating the Anglicist perspective, critiqued Hastings, who embodied the Orientalist viewpoint, from the standpoint of universalism; for them, Hastings failed because he did not acknowledge the universality of a morality that was necessary for the proper functioning of the nation.

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[11] This trial was an important event, since it became a central part of the shared British imagination of the late seventeenth-century, a fact that is partially due to the spectacle that was the proceedings. However, as Siraj Ahmed (2002) reminds us, the sensationalism of this judicial event "marked the culmination of two decades of parliamentary controversy surrounding British India" (30).

[12] Burke's attack on Hastings must be understood within his larger vision of imperial reform, one that saw India under the control of the Crown, rather than the Company. As James Connif (1993) argues, his idea of imperial trusteeship motivated much of his condemnation of Hastings.

These debates continued over the following decades. However, there was one moment that many scholars (Majeed 1992; Paxton 1999; Roy 1998; Sharpe 1993; Stokes 1986 [1959]; van der Veer 2001; Viswanathan 1997) assert was the turning point in the fight between the two camps: Lord Macaulay's Minute on Education in 1835. Thomas Macaulay was the first Law Member of the Governor-General's council, and, eventually, penned the Indian Penal Code of 1860. However, in 1835, he pushed to have English accepted as the primary language of education in India, over that of Sanskrit and Arabic.

> I have no knowledge of either Sanskrit or Arabic. But I have done what I could to form a correct estimate of their value. I have read translations of the most celebrated Arabic and Sanskrit works. ... The intrinsic superiority of the Western literature is, indeed, fully admitted by those members of the Committee who support the Oriental plan of education.
>
> ... But, when we pass from works of imagination to works in which facts are recorded and general principles investigated, the superiority of the Europeans becomes absolutely immeasurable. It is, I believe, no exaggeration to say, that all the historical information which has been collected from all the books written in the Sanskrit language is less valuable than what may be found in the most paltry abridgements used at preparatory schools in England. In every branch of physical or moral philosophy the relative position of the two nations is nearly the same. (quoted in Edwardes 1967: 122-123)

He continues to discuss how it is most beneficial for the 'natives' to teach in English. However, in spite of his altruistic goals, it is clear that he wants to construct a particular type of subject through this education: "Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect" (quoted in Edwardes 1967: 126).

Through these systems of a devised political system and control of knowledges, the British administered South Asia in a rather indirect fashion until 1858. However, with the infamous 1857 Rebellion, also known by more pro-British factions as the 1857 Mutiny, the British Crown took over the administration from the East India Company in 1858, which it dissolved. With this change in governance, the British Crown in India had a more direct role in the administration of South Asia. While this is an important political event, it is an even more significant social one. Colonial depictions of the 'new subjects' of the Crown changed. After this event, the representations of the natives revealed a tone of fear and distrust. These themes became institutionalised in various legal changes, such as the Indian Penal Code of 1860 and the Criminal Tribes Act of 1871, both of which I will discuss later.

After 1857, the emerging colonial nation-state took on a different form. The conflict between 'policies of coercive integration' and 'policies of coercive isolationism' became increasingly resolved with the privileging of the latter. Knowledge was increasingly controlled, as various projects of censuses, geographical and ethnographical studies, and other biopolitical endeavours were carried out. In this post-1857 period, replacing an articulated desire to 'rule indirectly', governance and a corresponding colonial nation-state came to the fore.

This background of the slow development of imperial governance and authority serves as the backdrop for this dissertation. In order to understand how this project will be laid out, I now turn to a brief chapter overview.

## Chapter Overview

This dissertation is composed of nine chapters. In chapter two, I will explore various academic understandings of empire, and posit my notion of a discursive architecture as an important and theoretically useful one. Then, I will theorise how the colonial nation-state is a central and essential part of this symbolic order, one that must be understood in its immanence. Finally, I will turn my discussion to the ways in which the *hijra* anchor the discursive architecture of empire and its main form, the colonial nation-state. Specifically, I will provide a brief discussion of several sites that function as nodal points for the *hijra* to stabilise empire.

The third chapter discusses the *hijra* themselves. How has this group been conceived of by contemporary scholars? What sorts of traces do these representations reveal? This chapter has two goals. First, it provides a glimpse at the present, for which the rest of the project serves as a history, which is a necessary component for the genealogical analysis. Second, insofar as these academic traces reveal a reliance on the very colonial constructions that I will be interrogating, it is necessary that I introduce a different way of conceiving of their historical presence. Specifically, I will investigate those ostensibly within this group of people as subject positions. Through this methodological consideration, I am able to examine the *hijra* as inseparable from the political/knowledge project and the symbolic order and thereby engage in both an archaeology and a genealogy. Finally, I will outline how this notion of a subject position is compatible with the vision of History that is evident in the further pages of this dissertation.

However, insofar as the representations of the *hijra* served as nodal points for the discursive architecture of empire, I need to provide an overview of the depictions. In chapter four, 'Colonial Representations', I do just this. Through the examination of these portrayals, several themes become apparent. One theme is the changing representation of the *hijra* in terms of being hermaphrodites and eunuchs, not to mention engaging in sodomy[13], effeminacy, and transvestism. Also, other aspects of their portrayal transformed over time, including their occupations and the criminality with which they were associated. In fact, the points at which these representations change will serve as important guidelines for the remaining chapters.

In order to understand the *hijra*, the next chapter, 'Bodily Difference in South Asia', endeavours to provide a framework of conceptions of bodies of difference in which the *hijra* are understood. In this chapter, I explore how the eunuch -- especially the non-*hijra* eunuch that was associated with Muslim culture in various ways -- and the hermaphrodite were imagined during the time. Following from this, this chapter contextualising understandings of bodily difference in such a way as to clarify some of the seemingly innocuous representations -- such as being hermaphrodites or 'natural' -- of the *hijra*. Through this investigation, the ways in which the subject position of the *hijra* is used as a nodal point that anchors empire as a governing force become apparent. Furthermore, through this discussion, I argue that the subject position of the *hijra* serves to suture the inherent contradiction between two important discourses of empire: Orientalism -- or, more accurately, a form of Orientalism that I have called Cryptocrystalline Orientalism, a concept that I will elaborate in the next chapter -- and the ideology of Oriental rule. Also, those who represented the figure of the *hijra* did so in such a way as to reduce the difference between the sexed models of India and England, allowing the European medical model -- and the corresponding system of evaluation -- to gain predominance. Through these analyses, I will argue that one of the primary mechanisms of control was the punishment of deviations of masculinity, within a context where the very definitions of masculinity that were being used as evaluative measures were being translated into the colonial context.

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[13] I use this term as the British writers of the nineteenth century did, to refer to anal intercourse.

Also providing a context in which to understand the *hijra*, chapter six, 'Eunuchs in (Con)Texts', sets up some important arguments. As I explore the linguistic basis for the social category of the *hijra qua* eunuch, various points become clear. In translating various Sanskrit and Pali terms -- *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara* and *kesava* -- to mean eunuch, the colonial translators created *a* class of person who was largely defined by exclusion, especially of the legal variety. Also, by rendering these diverse words in such a way, British conceptions of masculinity and sexuality became mapped onto this class. Moreover, however, these translations created a history; through constructing the class of eunuch as the heir for this history, the translators produced a subject position for the category of person that they were calling into existence. Such a constructed figure again sutured the differences between the colonial and indigenous frameworks of sex in such a way as to make the difference reducible to Orientalist immorality, thereby constructing the discursive architecture of empire as a superior form of moral governance. Furthermore, this subject position, as it became defined by exclusion, lack, failed masculinity, and deviant sexuality, served as a source of characteristics that became identified -- even under the force of law -- with the *hijra*.

In chapter seven, 'The *Hijra* in (Con)Census', the consensus on what it means to be a *hijra* is examined through a study of the Imperial Censuses of the latter half of the nineteenth century. As instances of bio-political power, these surveys constructed the *hijra* in terms of particular colonial categories, such as castes, religion, and entertainment activities[14]. Furthermore, the category of the *hijra* became a primary one, under which a plethora of other social groups were included. Moreover, the *hijra* were increasingly depicted as sexed beings. Through the discussion of these portrayals, I will demonstrate how this class of person is being depicted in such a way as to enable a type of colonial governance to emerge, one which the very figure of the *hijra* demands, through the group's increasing association with immorality and despotism. In this way, this chapter explores how the subject position of the *hijra* was being constructed, especially as other groups were subsumed under this construction, and the role of such a construction in the anchoring of empire. Yet, another task of this chapter is to demonstrate how empire was stabilised through the subject position of the *hijra* in moments of failure; that is, I examine moments in which imperial administrators tried and failed to use the *hijra* to articulate empire, and how they then attempted to resolve the crisis. Through these investigations, I will demonstrate how empire was continually produced through the representations of the *hijra*.

Following from this consensus on what it means to be a *hijra*, the next chapter, 'Containment of the Perverse', investigates how this figure was articulated in the legal sphere in such a way as to lead to the consensus noted in the previous chapter. Through legal texts, we can discern a crucial change in colonial representations of the *hijra*. In the period preceding the 1850s, the *hijra* were portrayed as a class who were considered a curiosity. While certain attributes were thought of as criminal, this criminality was not linked with the class as a whole. By the 1850s, the *hijra* came increasingly under the governance of law; their perceived characteristics were connected with their social group in such a way as to construct them as criminal. However, still, there was some instability in their depiction; there was debate over exactly which characteristics could be associated with the *hijra*. By the 1860s, following the Rebellion of 1857, this changed. Not only was there increasing agreement on which attributes constituted the *hijra*, but the language with which colonial legalists referred to this group switched from one of disgust but tolerance, to one of extermination. Moreover, this trajectory of representation depicted changes in the emerging colonial nation-state. That is, through an examination of the ways in which the subject positions that were legally constructed changed, this diachronic analysis depicts how and why empire itself changed, especially around the key period of the 1850s, which saw the important Indian.

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[14] It should be noted that these activities were understood in a particular way in South Asia, such that they often were thought to indicate criminality, if not immorality.

Through these chapters, by means of an archaeology and genealogy, I will demonstrate how the *hijra* served as a nodal point to stabilise the discursive architecture of empire. This synchronic analysis will illuminate the ways in which the totality of empire was constructed. Also, within and between these chapters, a diachronic story will be told: the emergence (*Entstehung*) and transformation of empire.

## Chapter Two – Theoretical Considerations/Implications

The goal of this chapter is to provide the theoretical basis for me to set up how I will argue that the subject position of the *hijra* was constituted in such a way as to produce Empire. I will do this through the examination of two main concepts: Empire, and one facet of its articulation, the colonial nation-state; and the way in which the *hijra* stabilises, and therefore produces, Empire.

The first and most important notion that I will introduce is that of Empire. Defining it against the idea of empire as a relation of political dominance and subordination between the core and the periphery, I examine the work of three eminent scholars of empire -- Christopher Bayly, Eric Stokes, and P. J. Marshall -- in order to pull out the important characteristics for my work, as well as to find what is lacking for my project in their accounts. The significant attributes of empire that emerge out of these authors are: nationalism; the value of knowledge in the imperial venture; empire, not as ontological, but as historically emergent and contingent; a focus on ideology; the importance on the role of a 'will to empire'; and, finally, an attention to a nuanced theory of power that transcends mere political domination. All of these elements are important for my project. However, these accounts fail to provide a sufficient understanding of how subjectivity is constructed, especially through the significance of ideology in empire. Without this valuable component, my focus on the construction of subject positions in empire cannot be addressed.

From these insights and weaknesses of the applicability of other theories of empire for this dissertation, I retheorise the notion. I refer to this reconceptualisation as a discursive architecture. This notion has two axes of analysis, the first being as a Lacanian symbolic order and the second being as a Foucaultian 'historical *a priori*'. The first captures that Empire can by studied synchronically, and pays attention to the phenomenon as it exists at a moment in time; that is, it allows me to study the intricacies of Empire in the complexities of the moment of examination (as a 'snapshot'). Furthermore, by using Lacan's 'symbolic order', I have access to a theory of ideology that accounts for subject positions. The second axis of analysis looks outside of this 'snapshot' and provides the tools for me to historicise Empire. Moreover, this diachronic axis emphasises immanence of Empire in such a way as to enable me to draw on notions of power and knowledge through the theoretical tool of 'discourse'. Through the capacity of the notion of discourse, the role of subject positions once again is theorised in a way that is useful for my project. By labelling these two conceptual axes as a discursive architecture, then, I can understand Empire not only as constituted in/by a framework of ideology/discourse, but, insofar as 'architecture' is a metaphor, as a constructed phenomenon that always points to its own failure: the Ruin of Empire. In other words, as Empire is challenged by historical and political forces, it always, in each moment of its articulation, threatens to destabilise into its own Ruin. Furthermore, as a linguistic metaphor, discursive architecture also can be used to understand relations of power in a more nuanced way, as a translation.

With the work of theorising Empire as a discursive architecture completed, I will then discuss one of the key relations of Empire: the colonial nation-state. I use this notion as a translation of the concept of the modern nation-state that developed in Europe in the late eighteenth century. However, in the translation from the European framework to a colonial one, this ideal was transformed. The very process of translation, in fact, was not necessarily intentional, but was often the product of two clashing frameworks: the European and the colonial one. That is, the ideology of the nation-state was often subsumed in the practices, policies, and procedures of the various imperial administrators, and thereby created a colonial nation-state that was contradictory, immanent, and emergent. To theorise this colonial nation-state in a theoretically useful way, I draw on Lauren Benton (1999), who argues that such a state is emergent out of the practices and policies of the colonial regime; in this way, it is not an ontological entity, but is a process, always Becoming. However, through this translative process, the colonial nation-state assumed an imagined community and supported ostensibly modern (i.e., modern European) values. One of the results of this is the exportation of the notion of citizenship. Through this relation between the imperialists and the colonised, then, Empire emerged as a modern project.

With Empire and one of the most important relations that construct it, the colonial nation-state, theorised, I will then turn to the way in which the subject position of the *hijra* construct Empire. To do this, I will introduce the Lacanian concept of the 'nodal' or 'quilting' point. This notion theorises the symbolic order as something that, despite the flux that is inevitable with the instability of the sign and the signifier, is stable. The reason that it is stable is that it is anchored at certain points. I argue that this idea of quilting applies to the discursive architecture of Empire through the subject position of the *hijra*. In fact, there are five nodal points where the subject position of the *hijra* stabilises Empire: Cryptocrystalline Orientalism; the ideology of 'Oriental' rule; suturing regimes of the sexual body; masculinity and citizenship; and the moral aesthetic. Through a discussion of these sites of quilting, I maintain that the *hijra* serves as a figure that produces Empire, thereby stopping the slide of Empire into its own failure, or what I call Ruin.

With this conceptual framework in place, I will then be able to turn to the methodology that I will be using, including how I understand the *hijra* as a subject position. However, this will wait until the following chapter.

## Empire

In this section, I will introduce the concept of Empire. Why, though, is empire a term that must be investigated? The notion, some scholars argue, is somewhat vague. As Raymond Williams (1983[1976]) argues, 'imperialism' in the modern sense developed after 1870, but its meaning was ambiguous; some conceived of imperialism as being a political system while others thought it was an economic one. In order to clarify how I will use this idea, I will first provide a brief overview of how important scholars have understood the notion. Following this, I will build on these theories, and introduce my understanding of this notion: Empire as a discursive architecture. Through this conceptualisation, I argue, the phenomenon can be understood as both a Lacanian 'symbolic order' and Foucaultian 'historical *a priori*', a theorisation which includes a way to understand the role of subject positions in Empire. Furthermore, this concept provides me with the tools to talk about power as a translative process, one that does not simply view power as imposed, but sees it as a process that is negotiated, mediated, and dialectical.

### *Theorising Empire*

Before I discuss the literature that I draw on to theorise empire, I will briefly discuss one popular conception of the phenomenon that has evoked significant and recent academic attention. The purpose of this discussion is partially to provide a theoretical perspective against that which mine stands in opposition; that is, this idea of empire represents what mine is not. More important, though, by contrasting my own understanding of empire against this notion, I can position my own conceptualisation in the larger debates and dialogues in the field.

Recently, there has been a renewed interest in empire, especially as the concept relates to the United States. The question has arisen: is there such a thing as a twentieth- and twenty-first-century American Empire? In this debate, a notion of empire, one that is not new but has seen considerable mileage over the past 125 years, has become predominant in the works of several sociologists and political scientists (Mann 2003, 2008; Motyl 1999). Empire, for these theorists, refers to a domination of one country by another. This widely accepted definition (Baumgart 1982; Eisenstadt 1963; Kennedy 1989; Matar 1999; Robinson 1972; Said 1998; Seeley 1884) can be exemplified in Nupur Chaudhuri's and Margaret Strobel's (1992), differentiation of imperialism from colonialism:

> Imperialism is a concept that signifies any relationship of dominance and subordination between nations, including the modern form of economic control. Colonialism is the specific historical form of imperialism that involves direct military, economic, and political control. (2)

Thus, for these authors, empire is a relation of dominance and subordination.

To exemplify this perspective, I now turn to Michael Mann, whose 2003 *Incoherent Empire* defines empire in this way. The reason that I point to him as an exemplar of this tradition is because he provides a non-reductionistic account of empire. That is, in comparing the United States to various examples of empires, he argues that the U.S. fails to be an empire because of uneven levels of power in the four important realms of the military, economy, political, and ideological spheres. Thus, unlike Motyl (1999), who asserts that "[a]lthough empires invariably develop legitimating ideologies, they are associated, not defining, characteristics of empire" (128), Mann provides a theory of empire that does not reduce the complexities to a single factor.

Furthermore, other than depicting empire as irreducible to a single form of power, Mann asserts that there are several types of empire. In fact, his typology exemplifies the varied nature of power. First, he outlines 'direct empires' that refer to areas in which the territories are "conquered and then politically incorporated into the realm of the core" (2008: 9). This is in marked contrast to the second mode: indirect empire. This second type sees the core as having political sovereignty over the periphery, but in such a way as the latter has autonomy over the former. Such a system often operates by agents of the core governing a select few from the periphery, who would then govern the locals; power is only indirectly in the hands of the few representatives of the core. The third in his typology of empire, informal empire, takes place when the core rules the periphery through intimidation. The coercion can be economic/capitalistic, militaristic, or a combination of the both. The final form of empire is hegemony. This last mode understands the periphery as being ruled by the core through hegemony, in the "Gramscian sense of routinized leadership by the core over peripheral sovereign states, which is regarded by them as 'legitimate' or at least 'normal'" (2008: 11). Since hegemony is located in the sphere of the everyday, ideological power is predominant in this form of empire.

Yet, even with this seemingly non-reductionistic approach, Mann does provide what Pomper (2005) calls a 'formal definition'. Mann argues that his typology rests on a single definition of empire, one that all empires realise. In his words:

> an empire is a centralized, hierarchical system of rule acquired and maintained by coercion through which a core territory dominates peripheral territories, serves as the intermediary for their main interactions, and channels resources from and between the peripheries. (2008: 8)

Thus, echoing Chaudhuri's and Strobel's (1992) definition, the crucial element of empire is political domination.

The criticisms that I have of this conceptualisation of empire are four-fold. First, this sort of understanding posits a view of power that is problematic for my project. Since this thesis is based in British India, any theory of empire should capture the idiosyncrasies of this regime. In this way, theorising empire as simple geographical dominance does not capture how it has been understood in South Asia. As Christopher Bayly (1983) points out, the British imperialists did not impose their views onto the 'natives', but had to participate in a pre-existing power regime. Also, he purports that, using the notion of 'information order', knowledge was a social formation that was central to imperial power. In fact, the colonial British had to rely extensively on the indigenous information order. Consequently, the colonial information order was not simply a British one imposed onto the Indian situation, but one that had "distinctly Indian features" (1996: 9). In this way, power was negotiated and neither side of the imperial 'contact zone'[15] had *apriori* power in this context.

In this way, empire was not simply something that was imposed onto colonial populations, but represented a more complicated relation. Accordingly, Anne Stoler (1989) states:

> Colonial cultures were never direct translations[16] of European society planted in the colonies, but unique cultural configurations, homespun creations in which European food, dress, housing, and morality were given new political meanings in the particular social order of colonial rule. (136-137)

In this way, Stoler argues that the idea of a colonial regime that is imposed onto the 'colonised' is naive and does not capture the complex ways in which imperial power was experienced. Furthermore, authors such as Lata Mani (1989) maintain that certain 'indigenous' traditions were indeed products of colonial interactions. Examining the case of *sati*, or, as it is often understood, 'widow-burning', the author notes that one of the reasons that this 'tradition' became regularly practiced was because the British privileged certain *Brahminical* texts as prescriptive of normative conduct, even when there was little evidence that the texts referred to traditions that were in practice. This favouring of certain texts, and the subsequent support of practices associated with them, demonstrate how the colonial British did not simply impose their will onto the 'colonised', but interacted with them in a certain complicated ways.

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[15] This concept is that of Mary Pratt's (1992) and points to "social spaces where disparate cultures meet, clash, and grapple with each other, often in highly asymmetrical relations of domination and subordination" (4).

[16] Indeed, her notion of 'translations' is a compelling way of thinking about colonial power, and I will explore it in the next section.

Second, this account of empire does not deal adequately with the contradictions of discontinuities in empire, especially the British Empire. While Mann's typology does attempt to address the changing nature of the imperial endeavour, both between and amongst specific empires, his formal definition of empire anchors it in a way that reduces its relevance for this project. For example, how does his formal definition explain the differences within the British Empire, between the Empire in India and that in the Americas? Power is evidenced in different ways in these two types of empire, especially in terms of political governance. Learning from the North American context, the British sought to arrange the relationship between England and India to be one of trade, rather than direct control. Thus, opposed to how North America was controlled, the Indian colony was given autonomy from England, allowing the local people to rule (in Mann's typology, this is indirect empire). The British, under this system, thought of themselves as merely traders and advisors of a non-political nature; the British, in the words of Robert Mitchell Betham (1908) "had no idea of creating an empire and conquering the land" (33). Like Mann, various scholars have attempted to explain this difference by referring to different types of empire: indirect (Fieldhouse 1982; Gittings 1997; Landau 1996; Viswanathan 1997), informal (Baumgart 1984), invisible (Cain & Hopkins 1987), or, most commonly, the Second British Empire[17] (Fieldhouse 1982; Harlow 1952; Seeley 1884; Strobel 1991). Yet, also like Mann, coercion is still the key defining element in their understanding of empire. In the words of Michael Doyle: empire is "'[t]he relationship, formal or informal, in which one state controls the effective political sovereignty of another political society'" (quoted in Gittings 1997: 1). The relationship between his typology and his formal definition creates a contradiction, however. The British in India, not to mention other 'indirect empires', did not always utilise coercion. Indeed, at various points in the history of the British in India, the mode of imperial governance looked more like Mann's informal empire or hegemony[18]. In these cases, the role of coercion is even less visible. For example, when the British ideology was thought of as 'legitimate' or 'normal', the role of coercion was often not visible. Moreover, Mann even states that this form of empire "needs little coercion" (2008: 11). In this way, his formal definition betrays the purpose of his typology; even though Mann's typology does attempt to explain the differences between and among empires, his formal definition sabotages this endeavour.

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[17] This differentiates the indirect imperialism of this period (usually of the late eighteenth and nineteenth centuries) from the so-called direct imperialism of the British Empire in the Americas.

Third, Mann's understanding of empire provides a depiction of the social universe that is incompatible with my project. In separating aspects of the social from each other, he risks reifying them into independent realities, rather than ones that scholars and philosophers have delineated for the purpose of conceptualisation. That is, by discussing the spheres of military, economy, political, and ideological as separate, Mann ignores the ways in which they are co-determinate. Instead, I find it useful to keep Anne McClintock's (1995) notion of 'articulated categories' in mind. Originally in the context of race, gender, and class, McClintock's idea refers to categories that "come into existence *in and through* relation to each other" (5). In this way, the various dimensions of the social mutually construct and inform each other; ignoring this threatens to reduce the complex plane of immanence to a reified plane of transcendence.

Finally, this conceptualisation of empire is theoretically problematic insofar as it assumes *an* ontological entity that we call empire. Echoing Richard Koebner's and Helmut Dan Schmidt's (1963) famous review of the different meanings of imperialism, in his influential comparative study of several empires,

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[18] By this, I mean Mann's definition of hegemony; I do not agree that his use of the term is truly Gramscian.

Dominic Lieven (2000) provides an overview of the way that empire was variably understood over the past several centuries. In doing so, he argues that empire is not a "sharply precise, all-encompassing concept". Instead, it is a "rich and imprecise concept full of ideological traps … [Consequently, he does] not believe that it is possible to advance a useful general theory about the nature and fate of empire" (x). The reason for this, of course, is that 'empire' does not point to a single ontological entity, but has a meaning that changes and shifts by historical and geographical context, moral clime, and specific articulation. Or, in the words of Philip Pomper (2005), "[s]tates fulfilling the formal definitions of empire are not to be found" (6). Thus, Mann's attempt to anchor the various meanings of empire in a single formal definition will never capture the variation, complexities, and breadth of those regimes that we call empire.

Thus, I need a theory that can resolve these concerns. It must be able to address properly the complexities of the ways in which power was experienced in British India, to account for the intricate nature of the social, and, rather than be mired in the limits of a formal definition, to provide a picture of empire that does not ignore various facets of this complicated notion. For this reason, I now turn to the work of three brilliant historians: Christopher A. Bayly, Eric Stokes, and Peter J. Marshall. Through an examination of their analyses of empire, I will draw upon their insights and point to the lacunae in their works. Then, with such details in hand, I will turn to my own explication of empire as a discursive architecture.

The first of the authors at whom I will look is Christopher Bayly. He does not provide a formal definition of empire, but, however, discusses the topic at length and in great detail. In fact, because of his superb and meticulous analyses, many scholars consider him to be one of the leading scholars on British India. In his book, *The Birth of the Modern World* (2004), in which he attempts to examine the larger global order, he posits that empire in British India changed dramatically in the middle of the nineteenth century. He argues that there was a move from the 'first stage of imperialism', which was an empire that was motivated by money and profit, to a 'new imperialism' (post 1870), which was tied to European nationalism. In making this argument, he asserts that nationalism and imperialism must be looked at together in the late nineteenth century, not separately as many do. That is, there was a movement from free trade to economic protectionism, which was a consequence of the changing ideology of nationalism in Europe. Such a typology places the European imagination as a key component of change in empire.

Even in his much earlier *Indian Society and the Making of the British Empire* (1988), he argued for the importance of the British imagination in the way in which its Empire was transformed. In 1780, the ways in which the British operated in India shifted because of a change in the ideology of the state in Europe. Specifically, he maintains that the Napoleonic wars transformed how the state was conceived. This ideological shift made its way to British India, in which "the Company went on a general offensive against oriental government in India which was now legitimated by a true imperialist ideology" (5). Of course, there were other factors in the changing face of empire, including the rise of other kingdoms in India. However, this attention to ideological change, especially as it relates to political, military, and economic transformations, is quite relevant for my project.

However, it is not always clear what Bayly means by the term 'ideology'. In order to examine this notion, I will turn to his discussion of the 'information order', provided in his *Empire and Information* (1996). Knowledge, for Bayly, is akin to ideology insofar as it is a form of power that is "not separate from the world of power or economic exploitation, but stands both prior to it and dependent on it" (4). In his critique of Edward Said and, more specifically, his followers, Bayly illuminates how he thinks about ideology. He disagrees with adherents to Said's teachings who argue that colonial knowledge is "a mere web of rhetorical devices designed to give legitimacy to conquest" (7). Instead, he argues that knowledge reflects a mediated reality. This 'mediation' is variable, though. Quoting Stuart Schwartz, he writes: "'despite the haze of linguistic and cultural assumptions that limit observation … other cultures existed outside the mind of the observer' and they could be observed and understood 'in an admittedly imperfect approximation of a reality'" (7). It is possible, then, to access the Real[19] of the experience of the Other, although imperfectly.

While I agree that labelling all colonial knowledge as rhetoric is problematic, and that many colonists did indeed try to accurately represent the colonial Other, the conception of ideology implied in these words does not serve my purposes. First, I do not think that 'linguistic and cultural assumptions' simply limit observation; they produce it. Language is not merely a medium for access to reality, but it constructs our cultural and political realities. To make this point clear, I will draw on the distinction between the Real and Symbolic that Lacan posits. Simply, the Real refers to a reality that is prior to mediation. However, we can only access the Real through the Symbolic, or language. However, since our only access to the Real is through the Symbolic, we never have direct contact with it. In fact, the Real resists representation in any way; it ceases to be unmediated in the very moment that it is represented. In the words of Lacan, "Man speaks, then, but it is because the symbol has made him man"[20] (1977[1966]: 67). In this way, the only access we have to reality is through language. Consequently, language is not a medium through which we can be in direct contact with reality, but it represents reality in such a way as to stand in for it. Thus, one cannot understand the linguistically and culturally different Other in any direct way. Instead, our understanding is always mediated through the Symbolic of language and culture.

Yet, Bayly's argument is that we can only understand the Other *imperfectly*. That is, he is not arguing that we can access the unmediated reality of the Other's experience outside of the realm of language and culture, but that such mediation provides us with a flawed or imprecise account of the truth. What this ignores is that this mediation is not apolitical, or without bias. Instead, the 'linguistic and cultural assumptions' do not represent a haze, but are a lens that shapes the very entities that they seek to observe. In fact, I would argue that the imperial endeavour is such that these very 'linguistic and cultural assumptions' are wrapped up in the Symbolic sphere in such a way as to make them inseparable from empire. In other words, empire represents a symbolic order[21], or, to draw on Slavoj Zizek (1989): "[t]he symbolic order is precisely such a formal order which supplements and/or disrupts the dual relationship of 'external' factual reality and 'internal' subjective experience" (19). The imperial endeavour, then, is part of the Symbolic sphere and, therefore, cannot be separated from the 'linguistic and cultural assumptions'. So, while the Others could certainly be 'observed and understood' outside of the minds of the colonialist, the Symbolic realm produce these representations in such a way as to make them *seem* objective, thereby hiding their relation to empire.

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[19] I use this Lacanian term to point to an unmediated reality.

[20] I do not mean to imply that Lacan was a nominalist with this quote, but that the very conceptualisation of 'man' is dependent on language. How can a 'man' know 'himself' prior to knowledge, which, after all, is symbolic?

Furthermore, Bayly's account assumes that there is a Real that we could access, if somehow we could get around the 'linguistic and cultural assumptions'. This evocation of an objectivity is reminiscent of Marxist theories of ideology, ones that posit that ideology is separate from the material truth. While this is a popular use of the term 'ideology', it is not entirely useful for my project, as it ignores the degree to which ideology can influence the individual, both consciously and unconsciously. For instance, was the ideology of empire really just a way to justify the economic venture, or did the people believe in their endeavours? Since I am examining how various individuals were hailed into particular identity formations -- subject positions that were constructed by the imperial project -- through imperial processes, I do not separate ideology from reality. A person does not simply accept her/his identity, constructed through ideology, in opposition to her/his 'true' identity. Rather, the two have a dialectic relationship; ideology and reality both, to a degree, produce each other. Fredric Jameson argues this point well, asserting that the relation between reality and ideology is semi-autonomous such that ideology "is somehow generated by the thing itself, as its objectively necessary afterimage" (1991: 260). By ignoring this facet of subjectivity, Bayly's account of empire does not meet my needs.

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[21] I will discuss this in more detail in the next section.

Nevertheless, Bayly's theoretical insights are significant. The emphasis that he places on ideology, notably that of nationalism, as a key mechanism of transformation in empire is both relevant and astute. Furthermore, his focus on colonial knowledge as a key component of empire is also pertinent and perceptive. He paints a picture of empire as a historically emergent formation that transforms over time and is not reducible to simple power relations of dominance and subordination.

Eric Stokes, the second author that I will examine, articulated a position that I want to examine, in his important *The English Utilitarians in India* (1986[1959]). For this eminent scholar, empire came out of British philosophies -- ranging from Liberalism and Utilitarianism to Evangelicalism and Whiggism -- imposed onto the imperial endeavour. As individuals who supported these ideologies came into power and influenced others, previously dominant viewpoints were replaced. Through this process of ideological conflict, the very nature of empire changed. For instance, Cornwallis reacted to Hastings' articulated perspective, which was, in part, a reaction to Clive's ideologies, with a Whiggishness with which others -- including Munro, Elphinstone, Metcalfe, and Malcolm -- disagreed, and opposed. Throughout this context of ideological clashes, an empire emerged in the nineteenth century that was Utilitarian in nature. This was evident in the valuation of paternal protectionism; that is, the reigning Utilitarians fought against the notion that the government could save the Indians, instead supporting the idea that it was the government's responsibility to protect the populace of India.

This theory can be illustrated by Stokes' discussion of the 1857 Rebellion. In the North-Western Provinces, Stokes traces the Rebellion to a series of dominant ideologies that caused a particular settlement system to be adopted, which created a social order that, in the words of T. C. Robertson, a lieutenant-governor that had served previously in Bengal: "'flatten the whole surface of society as eventually to leave little of distinguishable eminence between the ruling power and the cultivators of the soil'" (1986[1959]: 116). Thus, the Rebellion, which Stokes argues was particularly strong in this geographical area of British

India, was partially caused by ideologies. Yet, it was done in such a way as to not separate ideology from economic or political factors; they worked together to construct the conditions for the Rebellion.

However, in the end, Stokes gave up on this ideational theory of empire. He determined that this view was "no more than 'one clerk talking to another'" (quoted in Bayly 1998: 212). To replace his approach, in his *The Peasant Armed* (1986), he argued that the Rebellion was a combination of smaller revolts that were, in turn, products of old rivalries and economic stress; that is, there was limited space for the role of ideologies in his more recent analysis.

The strengths of Stokes' original approach were many. First, like Bayly, his theory of empire allowed for its transformation in terms of changing ideas. Moreover, as the warfare between ideas played out in the battlefield of empire, the shape that empire took was never predetermined. In this way, Stokes agreed with the much-later Pomper (2005), who asserted: "Empires, however, generally evolve opportunistically and unpredictably, as the fitness spaces in which states compete change and as new players enter the great-power arenas" (2). Second, in talking about ideologies, he does not attempt to reduce all events to their ideological conditions. Instead, Stokes pays attention to the ways in which ideology works with other factors in producing real events. Finally, Stokes captures the ways that empire is not just about dominance and subordination. Insofar as many of these ideological battles were conducted by and between colonialists, understanding imperial activity as geographic domination and subordination is not useful.

Unfortunately, what Stokes' failed to provide was a developed theory of ideology. In the end, he felt that his notion of competing ideas was the outcome of insignificant chatter between various administrative officials. What this implies is that Stokes did not recognise that people are constructed through ideologies; they believe in the ideologies to which are exposed, and, when they perform them, they are not simply demonstrating a rift between their 'real' self and self of 'false consciousness'. If Stokes were to recognise this, he might have asserted that these 'clerks' were articulating the ideologies that have constructed them. It is this lack of a theory of subjectivity, especially as it relates to ideology, that Stokes, like Bayly, lacks. And, it is this very aspect that is necessary for my theory of empire.

In much of his work, the last scholar that I will discuss, P. J. Marshall, examines the eighteenth-century British Empire in both North America and India. Even though he was insistent on examining the Empire as emerging out of unique conditions that were particular to their specific contexts, through these studies, one commonality emerged between these two different imperial contexts: a set of assumptions and objectives that the British had for empire. One of these assumptions is a sort of 'will to empire'[22], a desire -- albeit one that, as he discusses it, was conscious and not subconscious -- to create an empire that spread over both the geographical areas. This will to empire was evident in the relationship that the British imperialist had to their state; "the kind of territorial empire that was to be established in Bengal and later exported to other parts of India reflected metropolitan British ideals and the intervention of the metropolitan British state as well as India modes of governance" (2005: 6).. Indeed, in both the American and the Indian colonies, this desire to govern was evident. The British government in the colonies, he maintains, were "showing an increasing determination to exert an effective sovereign authority over British possessions overseas … and the territorial rights being acquired by the East India Company" (2005: 5). So important is this aspect of state involvement that it became a key part of his definition of empire. In fact, he differentiates between empire, which he viewed as a state-sponsored activity[23], and expansion, which consists of trade, migration, and diffusion of cultural influences (Marshall 2005). Yet, it would be misleading for me to reduce his concept of empire to mere governance. Marshall

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[22] By this, I am referring to Nietzsche's (1967[1901]) notion of a 'will to power', which emphasises the role of desire in power. With such a reference, I am calling forth an attention to how this desire -- the will to empire, in my case -- was constructed, thereby indirectly critiquing those who assume that such desire is 'natural' or uncritically accepted as universal.

[23] There is some tension in his work around this theme, since he conflates state sponsorship with state ideologies, at times. So, when he argues that the East India Company is state sponsored (2005), I find his evidence scant. However, when he argues that the objectives of the Company are the same as those of Britain (2003[2000]), he is more convincing. For this reason, I will focus here on his arguments that tie the assumptions and objectives of the state to the imperial endeavour.

(2003[1995]) explicitly argues that empire was more than governance. This 'more than' is nationalism. I will discuss this dimension of his work in a moment.

Next, I want to discuss another vital element of empire. Marshall (2003[1990]) admits that, because of the varied nature of the different contexts of the British Empire, there was little to unite the notion. Echoing Lieven, he maintains that there was no consistent imperial policy, thereby calling into question the very nature of empire. Furthermore, there was no uniformity of structure of the British Empire. Given that these structural elements are missing in the notion of empire, he begs that inevitable question: what is empire?

The answer to this question, of course, is, once again, nationalism. Thus, the element that defined empire as both something more than governance and an entity worthy of being referred to as *an* Empire is nationalism. To understand this nationalism, Marshall (2003[1995]) draws on Benedict Anderson's (1983) notion of the 'imagined community'. Anderson asserted that the nation is "an imagined political community -- and imagined as both inherently limited and sovereign" (15). As imagined, nations are not equivalent to illusions, fabrications, or falsities, but are constructions; that is, their role as an imaginary is in opposition to claims that they have ontological essences[24]. They are limiting insofar as they have a finite quality, with borders and populations. Nations are sovereign in that they are conceived of as autonomous entities, a notion that was born in a historical era of Enlightenment and Revolution. That is, insofar as the nation-state is a construct of a specific historical period, it carries with it elements of that time: notions of universality, progress, rationality, liberty, and civilisation (Chatterjee 1986). Finally, since they are communities because "the nation is always conceived as a deep, horizontal comradeship" (Anderson 1983: 16), nations, through notions of citizenship, privilege a subject that embodies these traits of the historical past.

Marshall uses this idea of the 'imagined community' to point at the fact that the British Empire was thought to be linked to a particular 'national' identity: British. Britishness identified the British Empire from others: "Empire was part of Britain's national identity, distinguished it, for instance, from competitors like the Netherlands, whose concerns were thought to have remained commercial" (2003[1990]). This nationalism did not simply refer to the nation-state to which the imperialists belonged; it pointed to a set of culturally-specific meanings, institutions, and, for Marshall, religion, that those who came into contact with the British Empire had to deal with. That is, Britishness pointed to the ways in which the British did things, their morality (especially the value of freedom), and Protestantism.

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[24] Because of this, Anderson's notion might better be referred to as 'invented communities', rather than as imagined; the latter connotes that nation-states are not part of the Real.

One way that this was manifest in British India was through the East India Company. Many scholars assert that the Company was an autonomous commercial entity, one which had tangential links to Britain. Consequently, for one to understand the empire of the Company, one must emphasise economic factors. For the author, however, the East India Company was not truly sovereign, since, from 1777 to 1813, they were ordered to give monies to the state. One way that Marshall envisions the Company as being a vehicle for Britishness is that it carried with it the "same assumptions and pursuing the same objectives as British colonial governments elsewhere. The British in India in the age of Clive and Hastings were on the way to achieving much of what British governments were failing to achieve in America" (2003[2000]: 15). Thus, the objectives of the Company were British -- "of a British parliamentary state, not of rulers who adhered to Mughal traditions" (2003[2000]: 15). In fact, this is echoed in popular discourse. For example, Marshall cites William Knox as referring to the Indian provinces as "'British colonies'" and who were inhabited by "'British subjects'" (2005: 210). Thus, the Company is attached to Britain in the minds of the writers of the period.

However, in the eighteenth century, this involved a tension. The British Empire represented "an extension of Britain, as more and more people throughout the world were absorbed into a universal Britishness, based on a common system of law and rights and a common Protestant for all its denominational divisions" (2003[2001]). Yet, insofar as the Empire absorbed other groups, some of whom the imperialists did not think could accept these characteristics of 'universal

Britishness', the question arose of absorption versus acceptance. That is, should the British Empire assimilate these groups or include them into the diversity of empire. The former option would champion the universality of Britishness, while the latter would support the esteemed value of freedom. If by incorporating such groups into 'universal Britishness', such Britishness was compromised, how can the British Empire champion other important aspects of Britishness, such as freedom? This tension between supporting these 'British' values and the very notion of freedom was eventually resolved in the British Empire. To quote Marshall:

> Toleration of diversity, albeit adversity that must accept certain non-negotiable British fundamentals, such as the maintenance of a British interpretation of law and order, respect for property rights and British notions of probity in government, was to remain the dominant note of British imperial rule throughout the history of the empire. (2003[2001]: 14)

Thus, in the eighteenth century, Britishness emerged as a 'dominant note of British imperial rule' in such a way as to violate the specifics of what Britishness meant (i.e., the valuation of freedom). Through this discussion, Marshall argues that it is indeed Britishness, and not a set of the qualities that make it up, that proved to be the engine behind empire.

What Marshall does that I find quite compelling is several things. First, he emphasises that the 'will to empire' is important. To understand empire, he infers, one must understand why empire is so important. In fact, vital in understanding this aspect is to comprehend the role of ideology. Second, his discussion of empire does not emphasise its ontological nature, but stresses how it existed within a particular context or contexts. Third, his account accentuates the way in which empire is contradictory. Finally, and most importantly, he demonstrates how the role of national identity plays into colonial governance. While he does not make this explicit, this part of his analysis suggests that it is not simply the case that imperialists impose their will onto the natives (even though, in many cases, they do), but the very ideologies of the colonialists demand that those with whom they have enduring contact are treated in a particular way. Of course, Marshall does not indicate how the ideological is connected to the psychic.

And, like those whose theories I discussed previously, Marshall's lack of a theory of subjectivity, and how it relates to ideology, is what makes his conceptualisation of empire of limited use for this project. Furthermore, while I applaud his use of nationalism as a limit to his definition of empire, it would be useful to see how it applied dialectically in the colonies. What was the effect of this nationalism in the complexities of imperial contact? How did the indigenous peoples react to these notions? How did Britishness change in the colonial context? Moreover, how did the British deal with the contradictory definitions of Britishness within their Empire?

Through the above analysis, I explored the insights of three prominent historians of empire. From their accounts, several points emerge that will inform my own theorisation of empire. My theory of empire must point to a historically emergent formation, one that is not restricted by formal definitions or a lack of space for contradictions. It must be able to address power in such a way as not to be reductionistic or reliant on notions of dominance and subordination. Moreover, a useful theory would be one that can account for transformation in empire, especially in terms of ideology. As a consequence, such a conceptualisation needs to be able to speak to a 'will to empire', colonial knowledge, and the complex role of nationalistic ideologies.

However, there were certain characteristics of their conceptualisation that were lacking for my project. None of the three were able to provide a theory of ideology that could account for the production of subjectivity in the colonial context. I have already mentioned how empire could usefully be considered a symbolic order to address this lack. Also, while nationalism has emerged as an important aspect of empire, it must be understood more. After all, the British in India did not see themselves as imposing their government onto the populace, but administering the government of the people for the people. How does nationalism, especially as it connects to governance, apply to this context? It is to my grappling with these questions that I now turn, as I theorise empire.

### *Discursive Architecture*

In order to address those elements that are lacking in Bayly's, Stokes', and Marshall's accounts of empire, while keeping their insights, I will now introduce a different conception: Empire as a discursive architecture. This theorisation has two levels of analysis. The first situates Empire as a symbolic order. In developing this dimension, I will provide a discussion of Lacan, arguing that, while his notion of a symbolic order is useful, it is limited as a historical device, especially in the context of my project. The second axis of analysis investigates Empire as a structure of discourses, akin to a matrix or a network. To make my argument, I will discuss Foucault's 'historical *a priori*', and how this connects the notion of discourse to power, knowledge, and the subject. Following this, I will explain how these two axes work to construct a discursive architecture. Of considerable importance to my conceptualisation is the metaphor that thinking of Empire as a discursive architecture produces. So, after my discussion of discourse and power, I will provide an overview of how this metaphor aids my project. Key in this discussion is several characteristics: it is useful for me to think of Empire as being a production of 'articulated categories', rather that as an intersection of factors; Empire is dialogic; as a process of continual emergence, Empire assumes its own Ruin; and the role of translation as a way of understanding power.

In making this argument, I will emphasise several aspects of Empire. First, my conceptualisation does not aim to provide an ontological analysis of the subject, but to offer a way to think about it that works in the contexts of my study, especially the two-fold problematic that I expounded in the previous chapter. That is, the goal of this study is to explore how the subject position of the *hijra* was translated in such a way as to enable colonial governance and how these subject positions demonstrate transformations in Empire. Thus, a useful conception of Empire would allow me to study it on both a synchronic and diachronic axis. Second, Empire must be understood, not in terms of transcendence, but as being located on a plane of immanence. And, third, given the importance of ideological changes in empire, my theory must be able to adequately address ideology, not as something in contrast to a form of true consciousness, but something that addresses the complicated relationship between ideology and the constitution of subject.

Then, I turn to the first axis of my discursive architecture: the synchronic one. To do so, I will draw on Jacques Lacan's notion of the symbolic order. In order to understand his conception, one must consider its origins: Ferdinand de Saussure's notion of the sign. For Saussure (1966), signs function:

> ...not through their intrinsic value but through their relative position ... and thus...whatever distinguishes one sign from the others constitutes it ... In language there are only differences without positive terms. Whether we take the signified or the signifier, language has neither ideas nor sounds that existed before the linguistic system, but only conceptual and phonic differences that have issued from the system. (118)

Thus, a word (or, more formally, the signifier, one aspect of the sign) is attached to its referent (the signified, the other dimension of the sign), not through positive terms, but through negative ones. Words are not meaningful in and of themselves, but only in relation to that which they are not. In fact, "[w]ithout an exact knowledge of the [symbolic] order proper to the signifier and its properties, it's impossible to understand anything whatsoever" (Lacan 1993[1981]: 260). For example, the signifier 'empire' is attached to its signified through its difference from things that are not empire. That is, in the words of Bernard Flynn (2005): "a signifier is what it is only by its reference to a system of signifiers which is essentially absent" (223). In this way, the sign is only meaningful within the *structure*[25] of language; a signifier is intelligible within the context of relations to other signifiers. Such a system in which signs -- which, for Lacan, point not only to words, but to the entire Symbolic realm -- are comprehensible through their *difference*, the symbolic order is one of the Other; it is, in fact, the domain of 'big Other', which is contrasted with the 'little Other' of the individual subject (which is part of the Imaginary order[26]).

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[25] This is a key point. By structure, I mean that language is prior to signifiers (either words or thoughts), as well as the very articulation of these signifiers.

[26] This is the third order, which, with the Symbolic and the Real, constitute the human realm.

In fact, one of the reasons that the notion of the symbolic order is so attractive to me is because it provides a theory of ideology that accounts for subjectivity. Lacan provides a theory of ideology, through the symbolic order. The writings of Slavoj Zizek on Lacan exemplify this connection. Insofar as the symbolic order is made up those symbols that mediate the Real, ideology is certainly part of this realm. However, it is important to remember that this is not the ideology of the 'false consciousness' made popular through some interpretations of Marx. Such a non-Lacanian (or, perhaps more accurately, non-Zizekian) ideology assumes that there is a true consciousness; if only the reality could be reconciled with the consciousness of the subject, ideology would disappear. Instead, consciousness itself is mediated by the Symbolic; ideology is not 'false' or 'true', but is constituted by the symbolic order. Consequently, the consciousness of the subject does not experience the Real directly, but is always necessarily mediated by the Symbolic. It is to how this theory of ideology accounts for the subject that I now turn.

This theory of ideology includes a way of thinking about the constitution of the subject. The unmediated Real, through its mediation by the Symbolic, is experienced as defined by the Symbolic. Mediated Reality -- and therefore the subject -- itself is moulded by the symbolic order. I have chosen to use the term 'mould' cautiously. As Doug Aoki (1995) has convincingly argued, Lacan does not conceive the symbolic order as determining the subject in some totalising fashion. As Lacan (1977[1966]) argues, the Symbolic structures the world in which the subject is born: "Symbols in fact envelop the life of man in a network so total that they join together, before he comes into the world, those who are going to engender him 'by flesh and blood'" (68). However, this does not mean that the symbolic order naively determines the action of the subject. Instead, there is a 'double movement' within the subject; that is, "man makes an object of his action, but in order to restore to this action in due time its place as a grounding. In this equivocation, operating at every instant, lies the whole process of a function in which action and knowledge alternate" (1977[1966]: 73). In an example of this 'double movement', Lacan provides an example of the proletariat who joins a general strike. First, the worker must identify himself as a proletariat. This sense of identity is produced through the symbolic order, but only as it interconnects with the Real; without such an order, the symbols of the proletariat, and how it connects to larger social meanings, would not exist. Of course, this is not to say that the person did not exist prior to her/his entry into the Symbolic; yet, her/his understanding of her/himself as part of the Real necessarily involves the Symbolic, thereby obfuscating the person of the Real behind the mediation of the Symbolic. In this way, "subjectivity is not simply a matter of the Symbolic order. … Rather, subjectivity is always located in the ongoing and concomitant relations of all *three* orders" (Aoki 1995: 56). Second, once this subjectivity is established, the worker then joins the strike, which is intelligible within the context of this identity. Certainly, the actions do not unfold from the subjectivity in any deterministic sense; however, the symbolic order moulds the subjectification of the individual in such a way as to make these actions comprehensible.

The discursive architecture of Empire, then, is partially a symbolic order. It is part of the structure of symbols that mediate the Real. In this capacity, then, it is part of the ideological realm that moulds subjects. However, as foreshadowed by my use of the term 'partially', the notion of the symbolic order does not completely capture my notion of a discursive architecture. The reason for this is that Lacan's structure of language is synchronic; it resists historicisation at key points. In Lacan's work, he accepts Levi-Strauss's claim that there is a universal structure. Furthermore, he draws on Saussure's assertions that, while the relationship between the signifier and the signified is arbitrary, there is a 'complete linguistic system' (Butler 1999[1990]). This can be seen in his positing the Symbolic as a structure. Moreover, it is a structure that transcends history. Lacan (1977[1966]) states: "It is in the *name of the father* that we must recognize the support of the symbolic function which, *from the dawn of history*, has identified his person with the figure of the law" (67, first set of italics in original, second set added). This quote captures that he understands that certain aspects of the symbolic order (such as patriarchy -- in its original sense) are not historically derived, but have been present ‘from the dawn of history’. Because of these claims, authors such as Judith Butler have taken Lacan’s theories as indicating that “the Symbolic is understood as a culturally universal structure of signification” (57).

This is not to say that Lacan was blind to historical details. Lacan asserts that the symbolic order is made up of two networks, one synchronic and the other diachronic. On this second aspect, he states: “The second network, that of the signified, is the diachronic set of concretely pronounced discourses, which reacts *historically* on the first [network of the signifier], just as the structure of the first governs the pathways of the second” (quoted in Aoki 1995: 52). Also, Lacan (1993[1981]) does argue that signifiers have ‘cultural histories’. Yet, he continues so say that these histories are “inseparable from a particular structuration” (267). This represents a problem for my project, since one of the points at which this ‘structuration’ transcends is at the very point in which this project engages. That is, one point of Lacan’s historically transcendent structure of the symbolic is the phallic signifier. Certainly, this signifier is a metaphor for lack. However, even as a metaphor, it only makes sense in a symbolic order that imbues the phallus with a particular meaning. And, since this meaning is a key trans-historic point in Lacan’s work, it denies a historcisation that it necessary for my work. Given that this endeavour takes the social understandings of castration as a historically and culturally contextualised question, this aspect of Lacan is not useful for my project.

For this reason, I include a second axis for my discursive architecture. This second axis of my discursive architecture is a diachronic one. In order to discuss this facet, I want to examine Foucault’s notion of the ‘historical *a priori*’. This is a project of “freeing the conditions of emergence of statements, the law of their coexistence with others, the specific form of their mode of being, the principles according to which they survive, become transformed, and disappear” (Foucault 1989[1969]: 143). This speaks of a history that takes into account inconsistencies. It is an analytic notion to explain “the fact that discourse has not only meaning or a truth, but a history” (143). This history is its own, and cannot be deduced from the histories of others. Moreover a 'historical *a priori*' defines the rules of a discursive practice[27], not from without, but from within; the immanent emergence of these rules can be explained by the 'historical *a priori*', which is itself transformed by the very emergence.

This Foucaultian notion has been taken on by Deleuze (1988[1986]) under the name of the 'diagram'. Primarily, a diagram is "the map of relations between forces, a map of destiny, or intensity, which proceeds by primary non-localizable relations and at every moment passes through every point, 'or rather in every relation from one point to another" (36). Emphasising relations between forces, Deleuze anchors the abstract to the specific in such a way as to explain how generalised and non-specific things occur on the plane of immanence, in the sphere of "pure matter and pure functions" (33). In other words, the diagram is a "non-unifying immanent cause that is coextensive with the whole social field" (37). The abstract of the social field is linked to the immanent through the diagram. For example, an abstract concept such as 'discipline' can be made immanent without references to institutions or social formations; instead, it is conceptualised as a map, allowing Deleuze to talk about discipline in many contexts without relying on the specific characteristics of its occurrence. Moreover, 'relations between forces' calls forth attention to power within the diagram. That is, through his discussion of Foucault's concept, Deleuze pulls out the importance of power in the diagram.

Like Lacan's symbolic order, then, the 'historical *a priori*'/diagram provides a field within which to understand mediations. Unlike Lacan, however, historicisation is key for both Foucault and Deleuze. A 'historical *a priori*'/diagram represents that there are many orders; "[e]very society has its diagram(s)" (Deleuze 1988[1986]: 35). Also, these orders are not beyond immanence; these theorists reject the transcendent qualities of Lacan's symbolic order for an attention to the 'relations of force'. Social change must be understood as historical, immanent, and articulated through relations of force.

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[27] Or "a body of anonymous, historical rules" (131).

Moreover, instead of referring to Symbols, by which Lacan points to the realm of (mostly) language, the 'historical *a priori*'/diagram situates statements; the 'historical *a priori*'/diagram "is necessarily 'much more' than language" (Deleuze & Guattari 1987: 141). Foucault (1989[1969]) understands this 'more than' as being a quality of what he calls discourse. Discourses are "composed of signs; but what they do is more than use these signs to designate things. It is this *more* that renders them irreducible to the language (*langue*) and to speech" (54). For Foucault (1989[1969]), discourses are regularities in the social field. This is significant, since there is no unity underlying the regularities; the phenomenon that are defined as unified are actually discontinuous. Discourses, as discursive formations, exemplify this artificiality; "[w]henever one can describe, between a number of statements, such a system of dispersion [upon which the unity of unities is based], whenever, between objects, types of statement, concepts, or thematic choices, one can define a regularity" (Foucault 1989[1969]: 41). While these regularities do have specific rules of formation, they are a function of "a complex group of relations" (131). In this way, discourses do have an order, but it is not a transcendent one, but one that emerges out of the field of relations within which the discourse is present. Discourses, then, represent a form of power, one that is present in the 'historical *a priori*'; they represent points at which discontinuous phenomena are labelled as regularities. Of course, the language of causation fails in the relationship between discourse and the 'historical *a priori*', since the two are dialectically related.

Power and knowledge represent another significant characteristic of discourse. Power is not simply something that one group owns and/or holds to control another group, but it is a network of relations. Ways of knowing is one of these forms of power. Knowledge "is that of which one can speak in a discursive practice" (Foucault 1989[1969]: 200). Yet, it is more than this. Knowledge is the site in which the subject can speak of objects; it is a field within which concepts are articulated, defined, applied, and transformed; it is "defined by the possibilities of use and appropriation offered by discourse" (200). Intimately tied to discourse, then, knowledge reflects and constructs the relations of force that constitute the 'historical *a priori*'.

But, discourse is not merely the product of consciousness. In fact, rather than the subject speaking discourse, discourse constructs the subject; "discourse is not the majestically unfolding manifestation of a thinking, knowing, speaking subject, but, on the contrary, a totality, in which the dispersion of the subject and his [*sic*] discontinuity with himself may be determined" (Foucault 1989[1969]: 60). Consequently, Foucault maintains that discourses are not the products of 'transcendental subjects' or 'psychological subjectivity'. Knowledge, as it is linked to power and the 'historical *a priori*' constructs the subject.

Thus, discourse points to the 'historical *a priori*' in its relation to power. Knowledge, however, is deeply imbedded in Foucault's idea of power. The construction of the subject, too, is necessarily situated within this web of discourse. The overlapping of these ideas point to the value of term 'discourse'. It is historically contingent, immanent, and captures how the subject can be constructed through power and knowledge.

Foucault's conception is far more complicated than I have presented here. As Manfred Frank (1992) has argued, Foucault, who many identify as the eminent theorist of discourse, utilises the term in several different ways. Yet, throughout his usages, Frank maintains that his theorisation of the notion is incoherent. On one hand, he asserts, Foucault maintains that discourse is "a singular, systematically ungovernable and multiple connection of talk" (in Frank 1992: 112). On the other hand, throughout his discussion of discourse, Foucault maintains that it is ordered. How can a discourse be both ordered, as is evident in the 'rules of formation' in Foucault's discourse, and 'systematically ungovernable'? It is for this reason that I utilise the narrow use of the term 'discourse' discussed above. For me, since the ordering of discourses emerges from the fields of force, it is immanent. As immanent, discourse is 'systematically ungovernable' in the sense that such governance from outside is impossible; its only mechanism of emergence comes from within.

This second axis of my discursive architecture, then, understands Empire as constructed through and in discourses in the context of a field of power relations (the 'historical *a priori*'). By focusing on discourses, Empire as a discursive architecture can be examined as historically contingent. That is, I can investigate the historically emergent symbolic order to Empire, in how its Imperial administration acts, exercises power, constructs knowledge, and produces subjects. This, of course, must be understood with the first synchronic axis, the one that views Empire as a Lacanian symbolic order. This dimension of my discursive architecture considers how the symbolic order is constituted through the anchoring, tracking the connections between representations around a particular point: the nodal point[28]. That is, this axis of analysis examines how Empire, as a symbolic order, is constructed in a particular moment.

Certainly, then, Empire is related to the discursive. However, the use of my word 'architecture' must be elaborated a bit more. I am using it against the idea (note that it is the idea that I am opposing, and not necessarily its use by other scholars) of intersectionality. Some writers conceptualise Empire as an intersection of various elements, such as race, class, and sex. This is problematic because the image that intersectionality evokes -- one that depicts several lines intersecting at some point -- constructs these discourses as independent in a way that is not useful for my theorisation. In other words, the metaphor of intersectionality can be interpreted as positing an independence of the elements that construct that which is at the nexus. If Empire, for instance, is a product of the intersection of various discourses, then it is separate from these discourses. Such a separation might be analytically useful -- discourses of race are certainly not identical to those of Empire -- but it risks reifying these discursive constructs. Here, I am using McClintock's (1995) notion of 'articulated categories'; Empire comes into existence '*in and through*' the very discourses of which it is supposed to be the product. Race is not, I argue, independent from sex, class, and, for that matter, Empire. Instead, I want to use the metaphor of architecture to capture that these are not 'lines' that somehow exist independently of each other, meeting only at specified points. Empire, as producing and being produced by discourses, is not a nexus of discourses, but a matrix. That is, Empire does not emerge as various discourses meet, but as they overlap, reinforce, and buttress each other. The plethora of constituting discourses can be thought of as parts of an architectural construction, such as a house. From the perspective of someone on the first floor, for instance, the feature above them is a ceiling. The person on the second floor, though, understands this same fixture to be the floor. Similarly, race can be understood as inextricable from class from one viewpoint, and completely separate from another.

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[28] I will provide a detailed discussion of this in the next section. Suffice to say that a nodal point anchors the symbolic order around a key site, so that a signifier can represent within a structure of 'differences without positive terms'.

Moreover, the movement of discourses that construct this architecture is not one-directional; it is dialogic in nature. It was not only the consciousness of the colonised that was reformulated with colonialism; "many of the signifiers of the colonising culture ... became unfixed" (Comaroff & Comaroff 1991: 17-18). Cultures were reified into categories as each group -- coloniser and colonised -- attempted to understand, interpolate, and interact with the other. In this way, the colonial project is about the managing of information (Bayly 1996; Dunch 2002). Yet, this management is situated in a field of power relations. Consequently, the colonial situation is one that is not just a cultural exchange, devoid of power; instead, it is a dialogic power relation. This can be exemplified in that the so-called colonised were not simply passive to the active colonisers. Instead, they engaged with Imperial processes in a variety of ways. Some of the local agents who work for the colonial administration often took the very Imperial discourses (such as nationalism, liberty, and equality) and used them 'against' Empire. This is captured in Homi Bhabha's notion of hybridity; for him, "[t]he synchronicity in the social ordering of symbols is challenged within its own terms" (1994: 277). Thus, by viewing Empire as a discursive architecture, I can point to this dialogical characteristic.

In addition, the metaphor of architecture points to its own failure. Just like a building that is left without attention and care -- or, more accurately, without *proper* attention and care -- falls into shambles, Empire as a discursive architecture is always at risk of becoming its opposite: Ruin. At the very site of its construction, Empire always sways between architecture and Ruin; that is, at the site of its establishment, the pendulum of Empire either swings to structure or devastation. In this way, as political and historical forces affect the discursive architecture, they threaten to destabilise it, causing it to crumble. For example, insofar as the subject position of the *hijra* functions to establish the symbolic order of Empire, in the very production/maintenance of their subject position (something that I will elaborate on in the next chapter), Empire stands or falls. For it to continue, the representation of the *hijra*, and consequently their subject positionality, need to be produced in a particular way. The translation, a concept that I will discuss soon, of the *hijra* can cause Empire to become Ruin, if not done carefully. As I will expand in the sixth chapter, at points in which the representations of the *hijra*, which function to build Empire, are challenged (such as the gendered make-up of the class), there is a sense of urgency evident. This urgency is represented in the attempts by the British writers to control the meaning of such sites of failure; contradictions in depictions must be regulated and restricted. Sometimes, they obfuscate such sites of Ruin, instead manipulating the representations in more accessible and popular summaries of the portrayals. Other times, they explain the differences in representation by references to incompetent 'natives'. Either way, this illustrates how Empire as a discursive architecture is unstable and always contains within it the possibility of descending into Ruin.

By using a linguistic metaphor for Empire, I can also introduce another important term: translation. This notion captures that power is not imposed onto a context, but certain perspectives and frameworks undergo a process of dialectical transformation. That is, the concept of translation captures what I mean by a 'field of power relations'. Just like the meaning of a word in one language is transformed as it moves into another language (and thus something new is created in the space between[29]), knowledges/ materialities undergo a change in the dialogical move. This can be seen in the work of other writers. In his examination of the act of translating Christian doctrines into local vernaculars, with an eye to the process' alteration of meaning, Vincent Rafael (1988) states, "[t]ranslation, by making conceivable the transfer of meaning and intention between colonizer and colonized, laid the basis for articulating the general outlines of subjugation prescribed by conversion" (21). The very process of translating -- which is a necessity for most empires -- places the imperialists in relation to the colonised in the context of a linguistic battle. As language is converted, decoding of meanings take place, which move quickly from the linguistic to the social; "[t]ranslation is then a matter of first discerning the differences between and within social codes and then of seeing the possibility of getting across those differences" (210). Also, Lenore Maderson and Margaret Jolly (1997) use this logic, arguing that colonial power can be understood as an exchange of meanings, rather than an imposition. Consequently, in their own work, they desire to "query both an easy universalism and an easy relativism by focusing on cross-cultural *exchanges* in sexuality -- exchanges of meanings and fantasies as well as the erotic liaisons of bodies" (1). Empire, then, can be considered a process of translating, from one culture to another, from one people to another.

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[29] I will discuss the importance of translation more in chapter five.

Indeed, in the following pages, the importance of translation in Empire will become evident in many spheres: language; law; sexuality; gender; and aesthetics. An example of this translative process can be seen in the transmission of an important European notion onto the colonies. Universality is a reoccurring theme in various accounts of Empire (Johnson 1993; Porter 1999). Gyan Prakash (1999), for instance, asserts that, in the colonial context, science as an example of universalistic logic was not imposed onto the populace, but was translated[30]. Science was "[i]ntroduced as a code of alien power and domesticated as an element of elite nationalism" (12). Such universalism, embodied in a seemingly value-neutral science, enabled other colonial projects -- such as modernity (Bayly 2004) -- in such a way as to make them common-sensical. Universality, then, was translated from England to the colonies in such a way as to create a unique formulation.

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[30] Dipesh Chakrabarty (2000) also discusses the colonial translation of universalism onto the indigenous context through his examination of the ways in which the modern 'subject' was taken up, altered, and articulated in Bengal.

Empire, then, is a constant process of emergence. Foucault's (1989[1969]) discussion of the archive is particularly illuminating here. The archive "defines at the outset *the system of its enunciability*" (146). That is, it provides the conditions of possibility for the very thing that the archive is supposed to have documented. The imperial archive, then, brings Empire into being. Empire is far from an *a priori* entity, but is constructed through knowledge. In this way, empire is a linguistic emergence, a discursive architecture.

Thus, I have posited Empire as an immanent concept, one which can only be understood in terms of relations of forces. In this discursive architecture of Empire, various enunciations of Empire, such as the British Empire in South Asia, can be understood; such a tool allows me to speak of the symbolic order and the 'historical *a priori*' without becoming dependent on the specific occurrences of such, while continuing to discuss Empire as immanent.

If Empire can be conceived of as a discursive architecture, then how does the nationalism to which Bayly, Stokes, and Marshall point fit? In order to explore this, I will begin by providing a brief discussion of the nation-state. Of particular important in my account will be the role of the nation-state as an 'invented' community of the governed. Next, I discuss how the colonial nation-state can be understood as a translation of this inventedness. Instead of focusing on this form of the nation-state as a mere political entity, my use of this term highlights its Symbolic characteristics, especially in the context of Imperial influence.

### *The Colonial Nation-State and Empire*

First, though, I wish to situate the colonial nation-state in the context of Empire. For my analysis, the colonial nation-state is a vitally important construct; it is a significant part of Empire. Insofar as Empire is a 'historical *a priori*' that is defined by its specific relations of force, the role of the state generally is important to this idea. Yet, as I will argue, this does not mean that an ontological 'thing' that we can call the colonial nation-state existed. Instead, the colonial nation-state captures the political sphere of the relations of force that characterise the discursive architecture of Empire. That is, it is the *relations* that make the colonial nation-state integral to Empire, and not the formal structure of a government that either existed or did not exist in the colonial context. Another way of conceiving of this is that, since one of the ways in which Empire is articulated on the plane of immanence is through its political emanations, one must pay close attention to the ways in which the colonial nation-state is manifest in order to examine Empire as immanent.

In this section, then, I will talk about one of the conceptual predecessors of the colonial nation-state, the modern nation-state. Tracking this notion through its emergence in the eighteenth century, I will argue that, as an ideology, it assumes an invented community and modern (European) values. Consequently, a key facet of this construct is the notion of citizenship. Through citizenship, the nation-state presupposes a form of subjectivity: the national citizen. Such a citizen had a particular relation to the nation that defined her/his self. Yet, the subjectivity of citizenship assumes an Other against which citizenship is defined. Thus, the ideology of the modern nation-state presumed a subject in such a way as to always imply an Other. Moreover, the modern nation-state did not need to exist in a purely objective sense. That is, it is influential as a conceptual, rather than strictly ontological, phenomenon. This modern nation-state, however, was translated into the colonial context through a variety of processes. It was included in the so-called 'civilising mission' of various imperialists that included a political component. Also, it was translated in the discussions of how the British should rule India, especially insofar as such debates included the values of the modern nation-state. Finally, the colonies often served as a site for political experimentation, in which political ideologies were planted and observed on South Asian soil; it is in these sites that the ideology of the modern nation-state was translated. Given its translated nature, I will argue that the colonial nation-state must be understood as a process, and not necessarily as a form of the state. Therefore, I use Lauren Benton's (1999) notion of 'jurisdictional disputes' as the sites in which the colonial nation-state emerges. That is, the colonial nation-state emerges in the interactions of imperial officials in the context of a colonial regime.

The modern nation-state emerged out of a specific historical period. As Eric Hobsbawm convincingly argues, the modern nation-state has its origins in the first wave of world revolutions (mostly ones that were attempts to establish democracies), which took place in the late eighteenth century and included ones in Ireland, Belgium and Liege, Holland, England, the United States of America, and, most notably, France. Out of the French Revolution in particular, the political concerns of the time, borne out of the dissatisfaction with the monarchy and the influential works of various thinkers (including Montesquieu and Rousseau, to mention two of the most popular), materialised into a vitally important document from the National Assembly of France: the Declaration of the Rights of Man and of the Citizen, 1789. This Declaration outlined a model for the nation that was based on modern principles of liberty, fraternity, and equality. This is evident in the formation of the notion of the citizen. Born equal, people (or, in the language of the *Declaration*, man) have rights that it is the purpose of political associations -- especially in the form of the nation -- to preserve. These rights are: 'liberty, property, security, and resistance of oppression'. Thus, the nation-state was conceptualised as a political entity that protected the rights of the individual, which were, of course, modern in nature. Moreover, assumed in the *Declaration* is Rousseau's idea of the 'general will' of the community under the nation. This aspect of the nation-state presupposes a community whose will serves as the basis for law. Furthermore, the individual is accountable to the community. Through this document, "France provided the first great example, the concept and the vocabulary of nationalism" (Hobsbawm 1962: 53).

Certainly, the nation-state that is based on shared modern values and community did not emerge on the historical scene with the *Declaration*. Instead, Hobsbawm (1962) asserts that the ideology -- especially that of nationalism and citizenship -- of the *Declaration* did not materialise politically until after the second wave of world revolutions, which took place roughly between 1815 and 1848. This second round of revolutions saw the definite defeat of aristocracy, allowing the bourgeois power in Western Europe, who supported the ideology of the *Declaration*, to become ascendant. However, that is not to say that the *Declaration* had no influence before this point. In fact, it had great ideological influence in Europe.

From the *Declaration*, then, I wish to take two attributes of the nation-state that are central to my understanding. First, the nation-state as is premised on modern values. In fact, insofar as it presumes a type of subject (the citizen, with rights and responsibilities), one situated in relation to the nation, these values become part of the citizen. In this way, the qualities that are assumed in the subject position of the citizen are modern. Second, it presumes a community that serves as the basis for the nation. Such a community also presumes a 'general will', one that points to a national subject. Moreover, these characteristics are ideological. That is, while the modern nation-state can be found in historical moments, it is the *concept* of the modern nation-state that interests me here. Thus, even though, as Hobsbawm (1962) argues, the modern nation-state was a "child of the 'dual revolution'" (145), the concept that preceded it can be traced to a time around the 1789 *Declaration*.

These twin attributes of the nation-state -- modern values and community -- have served as the backbone of many contemporary accounts of the nation-state. The Enlightenment ideals that connect citizenship and the nation-state -- namely liberty, fraternity, and equality -- make the very concept of such a nation-state a modern project. In this way, the modern nation-state became viewed as inextricably interwoven with these ideals of modernity to the point that, as Hardt & Negri (2000) argue, the nation-state was the "one and only active vehicle that could deliver modernity and development" (96). This relationship between ideas and rights proved to be very influential in Europe, creating an ideology that has lasted for centuries.

Also, academics have examined the notion of community that serves as the basis for the nation. One such scholar is someone whom I have already discussed: Benedict Anderson (1983). His notion of nations as invented communities[31] emphasises that the common factor that unites those within the borders of a nation is an invented identity. This corresponds to the definition of discourse that I am using, in which discourses are regularities in the social field. That is, the nationalism that unites a nation, which creates a unity where none existed prior, which articulates the nation as its own object, is one that is a discursive practice. Or, as Antoinette Burton (2003) states: "as both a symbolic and a material site the nation … has no originary moment, no fixity outside of the various discourses of which it is itself an effect" (5). Yet, insofar as this modern nation-state is based on a shared identity (i.e., nationalism), the subjectivity of the citizen was summoned, and made to represent a way of being for those who could participate in this notion of the modern nation-state. That is, the nation-state inculcates subjectivity. This mode of subjectivity is partially a product of a European symbolic order.

This concept of citizenship favours particular qualities. As Nandita Sharma (2000) argues, "the notion of 'citizen' needs to be understood as the dominant, oppressive half of a binary code of negative dualities" (5); citizenship legitimates patterns of domination. Or, in the words of Ann Stoler, from her *Race and the Education of Desire* (1995), "nationalist discourses were predicated on exclusionary cultural principles that did more than divide the middle class from the poor. They marked out those whose claims to property rights, citizenship, and public relief were worthy of recognition and whose were not" (7-8). In this way, the notion of citizenship did not construct a universal category of personhood, but was a way to subject people to governance, under the rubric of the transcendental state. By valuing certain characteristics as contributing to the nation, the architects of nationalism designed a subjectivity that excluded those who did not fit the model of such a modern nation-state. Philip Corrigan and Derek Sayer (1985) capture this element through the term *moral regulation* and its relationship to the nation-state. In their words, *moral regulation* is:

> a project of normalizing, rendering natural, taken for granted, in a word 'obvious', what are in fact ontological and epistemological

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[31] His terminology, of course, pointed to 'imagined communities, which, unfortunately, has inspired some readers to miss his point.

> premises of a particular and historical form of social order. Moral regulation is coextensive with state formation, and state forms are always animated and legitimated by a particular moral ethos. Centrally, state agencies attempt to give unitary and unifying expression to what are in reality multifaceted and differential historical experiences of groups within society, denying their particularity. The reality is that bourgeois society is systematically unequal, it is structured along lines of class, gender, ethnicity, age, religion, occupation, locality. States act to erase the recognition and expression of these differences through what should properly be conceived of as a double disruption. (4)

Such doubleness is composed of two elements. First, the state is a 'totalising project' that represents its constituents as members of an imagined community. This is imagined as the nation. Yet, the nation excludes. Second, the nation also individualises people in ways that are either supported or denied legitimacy. For instance, as citizens, individuals are sustained, whereas, as other identities (perhaps criminal, youth, pedophile) have no legitimacy.

The exclusionary nature of citizenship is also particularly evident in the context of imperialism. David Johnson (1993) posits that the idea of citizenship *qua* a universal category that was granted to only those who belong to a specific political community, necessary excludes those outside of 'the people'; Empire allowed such exclusions to exist in the national imaginary, enabling the national subjectivity. In his words:

> The definition of 'citizen', gradually extended to this period, promised a formal equality to those subjects in Britain. However, this definition, and indeed the definition of 'human', was materially bounded by the British state, and therefore did not include Africans, who functioned in this context (as in many others) as the negative term validating a European category. Even the specious privilege of universal humanity was therefore denied to those foreigners ... who had been subdued by the military and economic power of the British Empire. It is in this sense then that the universal humanism announced by the likes of Arnold is grounded on imperial violence. (175)

Consequently, 'the ghosting of the colonialism' -- or "the great categories that came to define the modern aged -- race and citizenship, civility and authority, for example -- were haunted, from the start, by the colonial question" (Gikandi 1996: 3) -- inundates the nation-state.

With this said, I can elaborate on how I want to use this concept of the modern nation-state. Certainly, it presumes modern values and a community. The former places it at odds with other states, especially as it assumes universality. The latter demonstrates the presumption of an invented community. Together, these two attributes point to a modern identity based in a nationalism. That is, in the notion of citizenship, a particular subjectivity is assumed. However, the concept of the nation-state presents a contradiction. Given that a community is based on exclusion, it necessarily violates the liberal values of equality, fraternity, and liberty. The nation-state is a contradictory ideological beast. It is within this space of contradiction that I locate the next topic: the colonial nation-state.

The colonial nation-state is a problematic term and I mean something very specific by it. Nationalism, without which the concept of the nation-state cannot exist, was not always present in state relations in India. Nationalism, argues Partha Chatterjee (1986), assumes an understanding of universality that evokes a modernity that has a place in Western thought; that is, it is a foreign notion to places such as South Asia. However, he argues that the nation-state in South Asia did not have this universalistic component. Rather, the state was divided along racial lines, with certain groups being provided the right to nationalism while others were not.

Part of the reason for this is that the British thought that the Indians were not capable of such an institution such as the nation-state. That is, Indians were not capable of the morality that such an institution presupposed. Marks Wilks (1810), an officiating political resident at the court of Mysoor, articulates this position, arguing that their inability to have a civilised government is due to two factors. First, Indians, both Hindu and Muslim, do not separate the state from religion. Second, while the British have laws that outline the succession of the political governor, those in India do not. Because of these two reasons, the Indians cannot escape their 'despotism' and enter civilised world. According to James Mill (1826[1817]), it is because the Hindu "excels in the qualities of a slave" (ii. 133) that they are not susceptible to 'increased civilisation'. Finally, James Bryce (1810), who argues that Indian will only flourish once it has "the blessings of good government, civilization, and the glorious privileges of Christianity" (118), blames the lack of such civilisation on "the permanence of Indian customs and institutions" (120). In other words, only once Indians become more like the British will they be on the road to civilisation; that is, that which makes them different is to be blamed for their lack of 'progress'. These authors capture the perspective that Indians are not capable of having a modern nation-state, because of moral and cultural reasons.

Furthermore, the 'modern' idea of citizenship was often lacking in the colonial nation-state. Given that the very idea of a nation-state was new to the colonial context, the notion of citizenship was equally as foreign. Bringing with it the trappings of modernity, citizenship was introduced to the colonial context, through a mixture of laws, borders, treaties, and political partnerships. However, Ranajit Guha (1997) goes as far as to state that: "[a] colonial subject is not a citizen, hence has no rights" (46). By way of a reason, he states:

> The notion of duty as a correlate of right derives from a code that does not recognize the relation between the ruler and the ruled as one between master and servant -- that is, a code according to which all who owe allegiance to the state are equal in the eye of the law. Such a code is quite out of place in a colonial state whose legitimacy is based ultimately on the right of conquest and which ... has not 'duty to perform the citizen.' (46)

Thus, Guha finds that the role of dominance in the colonial context to be one that excludes rights and citizenship from the people of India.

Both Chatterjee's and Guha's arguments that the colonial nation-state was not modern in the above sense are quite apt; there was indeed a real difference between these two state formations. However, that does not mean that the *concept* of the nation-state was not present in the interactions between the British and the Indians. In his analysis of how the Indians needed civilisation, Bryce (1810) repeatedly articulates that it was the 'imperious duty' of the British to civilise (read: make the Indians into 'citizens' who can have good -- defined as one that is 'humane' and 'liberal' -- government) India. However, the part of the definition of civilisation that the Indians lacked[32] was a political one; civilisation, for Bryce, is partially enjoying the "happiness and freedom" (113) that political institutions provide. This reference, I believe, is to the liberal government outlined in the *Declaration*. From this, I argue that the 'civilising mission', especially as it relates to the construction of 'good government', often includes the political goal of bringing a particular notion of the nation-state, one that is present in the *Declaration*, to ostensibly uncivilised people.

The political dimension of this mission can be seen in other places in colonial South Asia. As John R. Seeley (1884) asserts, without the British government in India, given its past of political anarchy, the Indian State would fall into disorder. Because of this tendency for political chaos, the British have a moral duty to continue their presence in their 'dependency', and civilise the people into 'good government'. Also, like Seeley, Abbe Jean Antoine Dubois (1906[1897]) asserts that civilisation brought with it certain political advantages that kept at bay the inherent tyranny and chaos of non-civilised groups. In this way, the 'civilising mission', which has been long considered an important element of imperial activity (Sharpe 1993; Stoler & Cooper 1997; Viswanathan 1989), was often imagined as necessitating a particular political order.

This logic of bringing the nation-state to the people of India can be further seen in the actions of various political figures in the sub-continent. As Stokes (1986[1959]) argues, one of the first political figures in India was Lord Robert Clive. While he explicitly did not want the British rule to reject the sovereignty of the indigenous system, he agreed that the British did need to have some sort of political structure in place. To achieve these two goals, he constructed a 'double government' that privileged the ostensibly Oriental political system, and conceived of the British as administrators of this local structure. However, while Hastings agreed with Clive that the political system of those who the British oversaw should be maintained, he felt that Clive's 'double government' was a sham. So, he attempted to restrict the British influence to the dominion of the Supreme Government of Calcutta, and to allow the Indians to run the administration at the local level. This represents what Stokes refers to as the first 'wave' of British governance. Yet, this was not simply an attempt to impose British ways of doing things onto the Indians, but was a moment when the *resistance* to this ways of doing things failed, and governance emerged.

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[32] Bryce argues that the Indians were civilised insofar as they were an advanced society.

Stokes goes on to argue that the second 'wave' of British governance came under Charles Cornwallis. This Governor-General of India, partially in response to the trial of Warren Hastings, was disturbed by the adoption by the East India Company of practices that he thought had their origins in Asiatic despotism. To put a stop to these practices, he subjected European servants to a system of government based on 'English constitutional principles'. Such a move introduced a system whereby the local laws were supplanted by a system of government that matched the British ideal. Of course, these 'waves' did not end with Cornwallis, but, according to Stokes, continued and multiplied into the nineteenth century.

These cases illuminate that, even though the British may not have thought that the Indians were capable of government, their attitudes about government were indirectly and directly translated onto the colonial context. I use the word 'translated' in the same sense as I discussed above: the concept of the nation-state was introduced into the South Asian political sphere, not through imposition, but through a complicated and often unintentional process whereby the notion was transformed as it moved from the British framework to that of the people whom they 'governed'.

This can be further seen in the ways that the British treated their colonies as sites of political experimentation. Drawing on the same Utilitarian ideologies that Stokes found in British interaction with the residents of the subcontinent, Fred Schneider (1973) noted that the British colonies "provided a valuable field for social and political experiment and a proving ground for theories which could not be put into practice in Britain itself" (503). That is, South Asia served as a field of experimentation in terms of political philosophy. Ideas were given form in a political order in the colonies, which provided a context that could not be found in Britain (Price 1976; Stokes 1986[1959]). Another sphere that this can be seen is in technology. As many scholars argue, technological advancement was attempted in India in such a way that was not possible in Britain itself (Gilmartin 1994; Kumar 2000). However, this experimentation was not politically innocent, but was used to construct a particular political order. An example of this is finger-printing, a technology that developed in India to control the population.

This is not to say that there was a consensus on governance in India. This can be exemplified in the conflict between Warren Hastings and Edmund Burke. While Hasting was opposed to the removal of sovereignty that British rule would bring, Edmund Burke, the statesman who was particularly vocal in the impeachment trials of Hastings in the late eighteenth century, supported the notion of the 'nation' as a vehicle for civilisation. In his *Reflections on the Revolution in France*, Burke maintains that the nation provides civilisation: "the civilized self must remain rooted in the traditional institutions of the 'nation,' even as it undertakes modern economic activity" (Ahmed 2002: 29). This conflict between two ideologies of the nation-state culminated in Cornwallis' rule. This conflict demonstrates that the consensus over the role of British governance in South Asia was a hotly debated topic, and that there was little agreement on the concept of the nation-state that is articulated in these debates.

When I discuss the colonial nation-state, then, I am referring to this dialectical institution. It is dialectic insofar as it exists in the 'contact zone' between Empire and the colonies. It stands at the site where the *concept* of the modern nation-state is translated into the so-called colonies. However, the colonial nation-state is an immanent institution. In every moment in which those of the colonial regime make a decision, discuss a dispute, and translate something in the colonial context, a colonial nation-state is evoked. That is, the space of translation indicates an important site of emergence. As Lauren Benton (1999) argues, the colonial state is not an external entity that imposed onto the colonial context, but is a 'colonial project', or "a practice and institution both perpetuated in policy and emerging out of the peculiar dynamics of colonial cultural politics" (565).

Key to understanding Benton's point is her notion of 'jurisdictional disputes'[33]. These are discursive and institutional points at which colonial officials debated and disagreed over colonial matters, and set up policies and procedures about colonial issues. Jurisdictional disputes "shaped the formation of the colonial state. ... Through such disputes, the state came to be invested with a special authority, one that not only subsumed alternative legal authorities but established a monopoly claim to definitions of political identity" (564). Through these 'jurisdictional disputes', the colonial nation-state emerged in the moment of conflict in the colonial context. For example, if two officials disagreed as to whether a child should be protected from a particular crime or not, the resolution to the debate would articulate a particular conception of the colonial nation-state. If one such official insisted that the child be protected from the said crime, then such an administrator articulates a colonial nation-state that is paternalistic and includes the rights of children as part of its mandate. In this way, the colonial nation-state must be understood on the plane of immanence; it is not a transcendental thing that is imposed, but something that is 'never inseparable from its relations with the world'.

Thus, the discursive architecture of Empire, especially as a historical *a priori* phenomenon, is present as a relation of forces through this colonial nation-state. By focusing on the colonial nation-state in terms of *relations*, rather than as an ontological political entity, I focus on it as an immanent institution. Moreover, insofar as the colonial nation-state represents this translation of the modern nation-state into the colonial context, Empire is defined as a modern project in its articulation in South Asia. Thus, modernity, both in its exportation and failure, is part of Empire. However, insofar as the invented community is also part of this construct, exclusion is also part of the colonial nation-state. In this way, the colonial nation-state is contradictory, espousing modern values such as equality, brotherhood, and liberty, while, at the same time, insisting on an invented community that always has an Other as its defining element. Such a contradiction, at the very heart of the colonial nation-state, defines Empire as it is articulated in the political sphere.

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[33] While she uses this term only in the legal sense of jurisdiction, I am using it in the wider fashion of moments of interaction.

This contradiction demands a resolution of Empire. That is, if the contradictory elements of the colonial nation-state were to be left unaddressed, Empire would fall into Ruin. Necessary for the operation of Empire is a legitimating ideology, which supports its project. However, the contradiction of the colonial nation-state calls into question this justification. Consequently, what Empire needs is something to make the contradiction invisible. It needs the paradox to be sutured. The way that it does this is the topic of the next section: the nodal point of Empire.

## Quilting Empire

With the discursive architecture of Empire established, I can now turn to one of the key ways in which it can be analysed: as a nodal or 'quilting' point. In this section, I will introduce the idea of the quilting point and how it relates to the symbolic order of Empire. The *hijra*, I argue, represent a nodal point that quilts Empire. The concept of nodal point helps us understand how the discursive architecture of Empire was articulated together at different historical conjunctures. However, insofar as Empire intersects the plane of immanence at the site of the emergence of the colonial nation-state, and the latter is defined by points of negotiation and translation, it would be useful to explore the ways in which the *hijra* quilt Empire. That is, given the ways that the colonial nation-state is contradictory, it is important to provide a discussion on how these inconsistencies are resolved. Key to this section, then, is how my theorisation of Empire presupposes the importance, if not centrality, of the nodal point to my project. Next, I will demonstrate how the *hijra* function at five such nodal points to anchor Empire. First, I will explore how Orientalism, or what I call Cryptocrystalline Orientalism, was a site in which the discussions of the *hijra* evoked a particular colonial nation-state. Second, an ideology of 'Oriental' rule existed in colonial India, one in which the *hijra* represented an important figure. Third, the *hijra* were important figures in the suturing of gender regimes, especially from the so-called metropole to the colonies. Fourth, another site in which the *hijra* represented a point that evoked the colonial nation-state is in the field of masculinity. Finally, I will examine the construction of a moral aesthetic as yet another place in which the *hijra* were represented in such a way as to anchor Empire. These five themes in many ways exemplify the notion of modernity, a theme that is present in the previous section. Through an illumination of these five processes, it will become clear how I envision the colonial representation of the *hijra* as constructing a particular colonial nation-state and, consequently, Empire in the nineteenth century.

In order to understand this nodal or 'quilting' point, I must briefly turn back to the work of Lacan. In Lacan's writings, because the sign is based on difference, the relationship between the signifier and the signified is constantly in flux; meaning itself slides. In the words of Lacan (1993[1981]), "[t]he relationship between the signified and the signifier always appears fluid, always ready to come undone" (261). In this way, there is no *a priori* relationship between the signifier and its referent, but the meaning of signifier is unstable. Yet, there is a symbolic order; there is a structure in language such that meaning appears stable. So, from where does this appearance of stability in meaning come? For Lacan, the field of signifiers and signifieds become knotted together at certain points; the nodal point is the "point at which the signified and the signifier are knotted together, between the still floating mass of meanings that are actually circulating between these two characters and the text" (Lacan 1993[1981]: 268). Zizek (1989) refers to this as a nodal point: "the multitude of 'floating signifiers' ... is structured into a unified field through the intervention of certain 'nodal points' (the Lacanian *point de capiton*) which 'quilts'[34] them, stops their sliding and fixes their meaning" (87). Nodal points, then, are sites where the field of signification is quilted to enable a particular meaning. In fact, since it is the connection between the signifiers and signifieds that make up the very nature of the symbolic order, these nodal points are necessary and vital for such an order to exist. To repeat this central point: nodal points are indispensable for the very existence of the symbolic order. In fact, without nodal points, subjectivity fails: the nodal point is "necessary for a human being to be called normal, and which, when they are not established, or when they give way, make a psychotic" (Lacan 1993[1981]: 268-269). In this project, the subject position of the *hijra* represent a nodal point -- what Zizek (1989) refers to as the Lacanian *point de capiton* -- that anchors the sliding signifiers of empire, sexuality and masculinity.

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[34] This metaphor of quilting articulates the way in which a button (or 'quilting point', *point de capiton*, or nodal point) anchors a quilt such that the two sides of the duvet become fixed. "[E]verything radiates out from and is organized around this signifier, similar to these little lines of force that an upholstery button forms on the surface of material. It's the point of convergence that enables everything that happens in this discourse to be situated retroactively and prospectively" (Lacan 1993[1981]: 268).

The notion of a nodal point or a *point de capiton* anchors fields of meaning partially by allowing for the invisible to be present through the articulation of the visible. This can be seen in Anna Klosowska's (2005) discussion of the 'thematic site'. For this notion, she draws on Lacan's 'quilting point':

> ...I borrow the Lacanian image of "quilting point" (*point de caption*), a place on the quilt that allows is to some in one way and immediately come out the other, collapsing layers or stages of reasoning, flattening to nothing the distance in between them. In its capacity as a quilting point, a thematic site is a place, a connection, an interchange. (4)

In her analysis, Klosowska traces the connection amongst effeminacy, same-sex desire, and castration in medical and theological texts of the Middle Ages. She claims that the eunuch functions as a visible figure which suggests something else -- in this case, same-sex preference -- that was left unarticulated. Explicitly, Klosowska contends that eunuchdom functions as a thematic site which allows one element "to be articulated (genital wounding) and the other implied (same-sex preference)" (23). That is, the visible implies and subtly evokes the invisible. However, what separates the conceptual device of the nodal point from others (i.e., metonymy and synecdoche) is that it points to the visibility of the mutilation. That is, the rhetorical nature of the nodal point does not merely point to the metaphoric relation between the visible and the invisible, but also focuses on the physical presence of the injury.

Yet, while Klosowska uses the concept to demonstrate how a single visible attribute can evoke an invisible one, I am using the notion in a broader fashion. That is, I am not utilising 'the nodal point' as representative of the connection between two specific elements, such as 'castration and queer concerns', but in the multiple that quilts a larger field of meanings and discourses. Chapters of this dissertation will endeavour to show how the larger discursive domain of the cultural-political rationality of British Rule in India was anchored by a series of nodal points involving representations of the *hijra*. Consequently, the *hijra* do not represent a single point of suture, but secure Empire in several ways.

The language of invisibility and visibility that the use of the nodal point evokes is useful because it points to a colonial unconscious. Of course, by this term, I am referring to the Lacanian unconscious that is structured like language. This unconscious, however, is not simply at the level of the individual, but, given the connection between language and the social (see Benveniste 1971; Voloshinov 1973[1930]), is at the level of the social. That is, just as the subject is produced through relations with others, so is the unconscious. It is this unconscious that the nodal point captures, allowing the invisible web of invisibles to be made invisible. Consequently, "[t]he schema of the quilting point is essential in human experience" (Lacan 1993[1981]: 268).

Also, just as nodal points suture the field of Empire, stopping the signs and signifiers from sliding, these points suture the contradictions inherent in the colonial nation-state. As sites in which Empire is justified and inconsistencies within Empire are erased, nodal points resolve the tensions within the colonial nation-state.

With the nature and importance of the nodal point explained, I can now turn to the five points in which the subject position of the *hijra* anchors and thereby creates the colonial nation-state and Empire: Cryptocrystalline Orientalism; the ideology of 'Oriental' rule; suturing regimes of the sexual body; masculinity and citizenship; and the moral aesthetic.

### *Cryptocrystalline Orientalism*

One area of historical scholarship that has received considerable attention in the past 40 years is that of Orientalism. This idea posits that the notion of the Orient plays a significant role in the knowledge that defines the so-called West. The *hijra* are evoked in the context of this knowledge. However, the field of study that examines this knowledge, Orientalism, made famous by Edward Said (1978), is one that has been critiqued significantly over the 40 years. In this section, I take the aspects that I need from Orientalism (mainly, the ideas of the Orient being constructed as immoral and despotic) and neglect the others. I will call this modified Orientalism Cryptocrystalline Orientalism. Since this is a direct reference to Said's highly influential work, *Orientalism*, it would be useful to first discuss this book and its critiques. Through such an exploration, I will illuminate why I have chosen to refer to this as Cryptocrystalline Orientalism, rather than as an Orientalist discourse.

Said's famous book posited a discourse called Orientalism. In this classic text, he maintains that the Orient was a discursive construction of Europe, one of "romance, exotic beings, haunted memories and landscapes, remarkable experiences" (1). This construction is part of a long tradition of what Said calls Orientalism, or a way of understanding the 'Orient' in such a fashion that comprehends it in relation to the experiences of the so-called West. Orientalism, then, is a body of knowledge that necessarily constructs the Orient as the space of the devalued cultural and racial Other. For Said, such knowledge goes beyond the scope of just the ideational, but enters the realm of the material; the Orient is a part of the material civilisation and culture of Europe. It is through Orientalism that Europe constructed its own sense of self. Consequently, "Orientalism is more particularly valuable as a sign of European-Atlantic power over the Orient than it is as a veridic discourse about the Orient (which is what, in its academic or scholarly form, it claims to be)" (6).

Scholars have levelled many critiques against Said's notions. David Spurr (1993), for instance, argues that the colonial discourse is not, as Said indicates, a monolithic system, nor a finite set of texts: "it may more accurately be described as the name for a series of colonizing discourses, each adapted to a specific historical situation, yet having in common certain elements with the others" (1-2). Related to this, authors such as Sara Mills (1991) find that Said's homogenous discourse Orientalism does not have a position for women. Furthermore, Said ignores the ways in which the so-called Orient was complicit in the production of Orientalism (Krishnaswamy 1998). That is to say, Orientalism was not an ideology that was simply imposed onto a group of people, but was, instead, produced in the relations between the 'West' and the 'Orient'. Revathi Krishnaswamy (1998) also critiques Said for dealing with "colonialism as a predominantly discursive phenomenon and tend to treat the realm of discourse as autonomous and detached from material realities" (4). Said's presumptions of intentionality also have drawn criticisms; that is, many academics maintain that the British did not intend to articulate such a discourse (Bratton 1986; Managan 1992; Savage 1997; Viswanathan 1989). Reina Lewis (1996), for example, contrasts the limitations of Said by using Foucault's notion of power as unintentional and never monolithic. Orientalism, in her reformulation, is discursive insofar as it is an "ordering of knowledge, [which] produces positionalities (enunciative modalities) into which individuals are interpellated and from which they may speak or act (...) but which are never the truth of themselves" (18-19). Thus, power is productive and Orientalism is fluid and dynamic, responding to challenges to itself.

Given these critiques of Said's Orientalism, which represent only a fraction of the criticisms directed against the notion, this concept is of little analytic use for my project. Still, ignoring the construction of the 'Orient', especially as such a production was Other to the depiction of the Occident, is also not useful. The knowledge-generating project in India, for example, was significant both in scope and content. Furthermore, there is little doubt that Britain did, in fact, define itself in contradistinction to the Orient of India. For this reason, I want to use Orientalism, but only in a particular way: as Cryptocrystalline Orientalism. Cryptocrystalline refers to a type of geological formation that is made up of microscopic crystals. Because of their minute size, rocks that are crystalline appear opaque or translucent. For example Cryptocrystalline Quartz is a type of quartz crystal that is constituted by tiny crystals. That is, the crystal totality of this type of quartz is made up of other crystals that invisible to the naked eye; the constitutive elements are the same as the constituted totality. Also, the microscopic crystals are not separate, but intersect and merge at points, allowing them to comprise a totality. Furthermore, because of their crystalline structure, cryptocrystalline rocks are quite fractured. The totality contains within it many ruptures and faults. It is these three characteristics -- the constitution of the totality by smaller forms of itself, the intersections of the constitutive elements, and the fragmentary nature of both the totality and its constitutive elements -- of cryptocrystalline structures that I find so useful for my endeavour.

Through this metaphor, then, four points are evoked. First, similar to the cryptocrystalline formation, Orientalism is a totality of sorts. The totality of the cryptocrystalline rock captures that there is a construction of a loosely-defined totality -- one that keeps its constitutive discourses invisible -- of the Orient. Certainly, just like the constitutive crystals of the Cryptocrystalline Quartz do not need to be the same in each occurrence of this Quartz to be considered to be part of this larger totality, as I will discuss in a moment, this depiction of the 'Orient' was not agreed upon by everyone. Still, the Orient did exist, to some extent, as a binary opposite to the Occident in accounts of various colonial writers. Second, in the way that the totality of the cryptocrystalline structure was composed of smaller forms of the totality, the Orientalist discourse is formed by smaller discourses. Third, the discourses that did make up Orientalism were not always agreed upon; that is, there was no monolithic discourse. Instead, equivalent to the cryptocrystalline rocks, fractures existed within both the Orientalist discourse and its constitutive discourses. Finally, paralleling the cryptocrystalline structure, the discourses that compose the Orientalist discourse intersect and merge in ways that construct the totality. In this way, Orientalism is not just the discourses that constitute it, but it is also the ways in which these discourses meld and overlap that creates its form. Various representations of the Orient were at play that connected, that overlapped, and were structured in such a way as to create an ostensible discourse of Orientalism.

In this project, two of these discourses of Cryptocrystalline Orientalism are relevant. First, the Orient is depicted as despotic. This line of argument, often used by colonial writers, constructs the 'Orient' as a place of despotic rulership (Boer 1995-1996; Inden 1986; Peabody 1996; Rubies 2005). The absolute power with which those of the Orient ruled was often represented as counter to the political forms of the colonialists themselves. For instance, as Abbe Jean Antoine Dubois (1906[1897]) argued, the British Empire was "a well-meaning, just, and equitable Government, which has succeeded one that was arbitrary, oppressive, and tyrannical" (93). Such an assertion is seconded by Seeley (1884) who wrote that, if England were to leave India, the Indian State would succumb to the chaos that threatened to overwhelm it. Even when such a comparison was not explicitly articulated, it was often implied as the hidden referent. Consequently, accusations levelled at ostensibly Oriental governments of despotism create a space for a non-despotic nation-state to emerge. That is, the very notion of despotism is intelligible as a pre-modern nation-state, one that is counter to the modern nation-state. For this reason, the characterisation of the rulers in the so-called East as despots represented the Other of the modern nation-state, one which the colonial administration sought to translate into the colonial context.

Second, the Orient was represented as a place of perceived immoralities. The portrayal of immoralities practiced and supported by the 'Orientals' was great and diverse: sodomy; licentious sexual behaviour, especially in the site of the harem; slavery; physical mutilations; infanticide; forced castration; and other practices that were considered barbaric. Indeed, according to colonial writers, the supposed depravity of the Orient was ubiquitous.

However, what the term Cryptocrystalline Orientalism captures is the way in which these discourses get tangled up with each other, often implying the other in their articulation. Just like the constitutive crystals of a Cryptocrystalline Quartz meld and blend into each other in unique ways, the discourses that comprise this sort of Orientalism intersect each other. In this way, these two characteristics of despotism and immoralities in the 'Oriental' context function much like Klosowska's notion of the 'thematic site'; in their enunciation, either of these visible referents implies the invisible other. For example, when James Forbes (1988[1813]), a colonial officer of the British East India Company, wrote the following words on the despotism of the 'Asiatic sovereign', he subtly evoked issues of morality:

> In the court of an Asiatic sovereign we look in vain for true magnanimity: the nobles approach him with distrust and fear, conscious that his frown deprives them of life; nor can they, on so frail a tenure, enjoy wealth or honours: those in the middle walk of life, instead of being subject to one tyrant, are oppressed by numerous petty despots, who, dead to every feeling of humanity, rule them with a rod of iron. (i. 235)

The quality of being 'dead to every feeling of humanity' quietly calls forth the invisible notion of morality. This relationship between despotism and immorality is made quite explicit in Forbes' work, when, in referring to the ruler of India, he states that, in the courts of the 'independent despots of India: "there is so little sense of moral obligation, that no stigma attaches to the man who plots the most base and villainous means for attaining the ends of venality and corruption; the odium is incurred for not being properly executed" (ii. 24). In this way, Cryptocrystalline Orientalism captures the way in which these discourses form a totality of sorts, in which a part evokes others.

Cryptocrystalline Orientalism represents a site in which the *hijra* served as a nodal point for Empire. The *hijra* were used in these two interconnected discourses, especially at the site of the interconnection, to depict the 'Orient' in such a way as to evoke a colonial nation-state, one that could both rid South Asia of despotism and eliminate immoralities. That is, the *hijra* represented, amongst other things, the embodiment of immorality and a product of a tyrannical state; they were a barbaric residue of the 'Orient', one which embodied many of the attributes of the colonialists despised in such a culture. Yet, they did so in a rather specific way: until the middle of the nineteenth century, the target of the Cryptocrystalline Orientalism was Islam. It was the despotism and immoralities of a Muslim regime that was invoked by representations of the *hijra*. Eventually, however, they became a representation of an Indian, if not Hindu, Orientalism.

### ***Ideology of Oriental Rule***

The second theme in which the *hijra* functioned as a nodal point was in the ideology of 'Oriental' rule. As discussed above, the British articulated a desire to administer, but not rule, South Asia. This desire can be seen as part of the project of translating the modern nation-state into the colonial context. The state that was imagined by many British colonialists was one that ruled, not by force and tyrannical power, but by the will of the people. This notion is captured by Mary Pratt's (1992) idea of 'anti-conquest'. By this term, she means:

> ...the strategies of representation whereby European bourgeois subjects seek to secure their innocence in the same moment as they assert European hegemony. ... these strategies of innocence are constituted in relation to older imperial rhetorics of conquest associated with the absolutist era. (7)

That is, in order to justify their rule as just and in accordance with the liberal and modern values that they articulate, the agents of the British Empire needed to construct their own innocence. The ideology that legitimates British hegemony -- or, more accurately, the attempt for such hegemony -- is an important part of the Imperial project.

This ideology of 'Oriental' rule is particularly evident in discussions around the *hijra*. This group of people were seen to be, at different points in the nineteenth century, a product of 'Oriental' customs and traditions. Linked to Islam in the imagination of the British, the *hijra* represented a custom that had to be respected. In their discussion of this class of persons, the ideology of 'Oriental' rule was often articulated. Indeed, in some of the debates around the *hijra*, members of this group were sanctioned explicitly because they had their origins in 'Oriental' custom. Through these discursive moments, an ideology was often articulated that attempted to legitimate British rule in India.

While some scholars have argued that this ideology for 'Oriental' rule was a form of trusteeship (Whitehead 1988; Mellor 1951), other writers have challenged this depiction, instead locating the ideology within a modernist framework. Andrew Porter (1999), for instance, asserts that understandings of trusteeship assume a universal subject. Specifically, Western institutions -- such as of government, Christianity, 'Western knowledge', science, and education -- and a "need to secure property and freedom of exchange, and took as their touchstone [their notion of] the happiness and well-being of indigenous peoples" (201) had as their underpinnings eighteenth-century 'enlightened' thinking. Consequently, conceptions of trusteeship were far from the humanitarian ideals presented by supporters of the idea. In fact, as David Johnson (1997) claims, the reliance on these standards of Enlightenment thought constructed the colonial Other as inhuman, and, as a result, privileged citizenship rights -- especially those through of as 'human rights' -- as a prize only provided to the British citizens. Thus, the notion of modernity itself, upon which the modern nation-state was devised, had within it contradictions that, in the colonial context, resulted in the very failure of the modern nation-state.

Consequently, it is important to keep in mind that this was an ideology. That is, the translation of the modern nation-state into the colonial context failed in many ways. For instance, the very idea of a nation-state that treats all of its citizens equally was not realised in the colonial context. As Johnson (1997) and Chatterjee (1986) argue, the racialised hierarchy of colonial India contradicted the very nature of the modern nation-state. Nevertheless, this ideology was an important and powerful one for the British.

Articulations of this ideology represent a site in which the *hijra* function as a nodal point. Since the ideology represents the desire to allow the 'natives' to rule themselves, its failure is often the very site in which governance is evoked; that is, when the British administrators voice a desire to rule, it is at the expense of this ideology. One site in which this move from an attitude of tolerance to governance takes place is in the figure of the *hijra*. The discussions of the *hijra* represent them as figures that either should be allowed to exist, because they embody the cultural practices of the Orient, or, insofar as the *hijra* were constructed as symptoms of Cryptocrystalline Orientalism and therefore were immoral, they should not be allowed to exist. The oscillation between these two ways of speaking about the *hijra* reveals the contradiction between Cryptocrystalline Orientalism and the ideology of 'Oriental' rule. It is within this contradiction, captured in the figure of the *hijra*, and debates, negotiations, and decisions that construct the conflict, that the colonial nation-state takes form, especially in terms of governance and the notion of native rule.

### *Suturing Regimes of the Sexual Body*

Another site in which notions of Empire, through the construction of the colonial nation-state, were articulated was in the ways that gender and sexuality were understood in the colonial context. Given that they were understood in these terms of gender and sexual deviants, the *hijra* were often present in discussions around this topic. In dealing with the subcontinentals, the British were forced to translate certain aspects of culture into a language that they understood. However, through the process of translation, the differences between the two frameworks had to be addressed. More often than not, such difference were sutured, or erased through various discursive techniques. For example, while the British understood the gender regime as being a two-sexed one, they thought that the Indian one was a three-sexed model. However, a great deal of their framework of intelligibility presumed a two-sex system. For instance, their conceptions of sexuality, the categories that they used in their censuses, and even their understandings of Hindu inheritance laws (to name only a few of a great many examples) all were prefaced on a two-sex regime. As a consequence, they had to translate the ostensibly three-sex model into their own framework. Through this process of translation, the difference between the two systems of gender was sutured. However, it was sutured in such a way as to privilege the British two-sex model. Consequently, with this theme, I am interested in the ways that gender regimes are translated from the metropole to the colonies.

This is evident in the discussions around the *hijra*. Through their concern with sexuality and gender, the British used the *hijra* as a trope that could suture the different worldviews, albeit in such a way as to privilege European modes of understanding. Consequently, the *hijra* represent a site in which the discursive architecture of Empire was evoked; that is, through the figure of the *hijra*, conceptions of gender and sexuality were translated onto the colonial context.

To capture how I conceive of this project of translating gender regimes, I will provide a brief example that I will expand on in chapter five. The trope of the *hijra* was a figure who represented the third gender of South Asia to the British, to the point that the very term *tritiya prakriti*[35] became synonymous with the *hijra*. However, this parallel was not direct, but was mediated through the notion of the eunuch. That is, it was *hijra qua* eunuch that became associated with *tritiya prakriti* in British understandings. This effectively reduced the entire category of *tritiya prakriti* to a failed male, and therefore relegated the third sex itself to the failure of one of the binaries of the two-sex model. Consequently, through the *hijra*, the two-sex and the three-sex models were sutured in a way as to privilege the former and to reduce categorical difference. Moreover, with each of these articulations, a colonial nation-state that had as its often-unstated mission, the governance of sexual bodies, was called forth.

***Masculinity and Citizenship***

The fourth way in which the *hijra* can be seen as anchoring Empire is in notions of masculinity, especially as it intersects citizenship. While citizenship was designed to reflect the Indian community in the British imaginary, it was also a technology by which the colonialists could encourage certain attributes that they valued: masculinity[36]. That is, the non-masculine male became one of those who were Other to the invented nation. Through the debates around the inclusion of such non-masculine men in the nation, especially through the application of privileges of citizenship, the British defined the colonial nation as being one that had only masculine men as citizens.

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[35] This Sanskrit term literally means 'third nature' and was thought to refer explicitly to third sex/gender.

[36] While the British did link masculinity to citizenship, it is quite clear that this was not accepted by the people. It is clear from various accounts of figure such as Ramakrishna, Swami Vivikananda, and Mahatma Gandhi, the masculinity that was invoked in Indian nationalism, through the figure of the 'political sannyasi', was often defined against the masculinity that was articulated through the colonial state (Bacchetta 1999; Banerjee 2005; Chowdhury 1998; Nikhilananda 1953; Parekh 1989; Raychaudhary 1988; Reddy 2003; Roy 1998).

One example of this process can be seen in the work of Paola Bacchetta (1999), who links the ways in which the British denied citizenship to the colonised for deviations in masculinity to contemporary political practices of Hindutva nationalists in India. Unlike in the British period, however, the norm of masculinity, one that serves as the referent against which any deviation results in the denial of citizenship, is one that privileges Hindu articulations of manliness; "the primary Othered queer is the non-Hindu nationalist Hindu but, by extension, Hindu nationalists assign queer gender and sexuality to all the (queer and unqueer) Others of the Hindu nation, especially Indian Muslims" (143). In this way, Bacchetta exemplifies the unstable and political nature of masculinity.

Yet, there is a corollary to the notion of citizenship. Just like some rights are attributed to persons based on their relationship to the state, the relationship to the state is dependent on the capacity of having certain characteristics. That is, if a people or culture does not have the aptitude for certain traits deemed important for a national character, then those persons are not capable of having a modern nation-state; in this case, it is justified to rule these people to suit their best interest. This line of reasoning was popular in British thought during the nineteenth century. Those who support this perspective understand the notion of citizenship to be one of responsibility, without which the nation-state cannot exist in a preferred form, usually resulting in despotism[37]. That is, the lack of masculinity is tied to Cryptocrystalline Orientalism.

Ashish Nandy's *The Intimate Enemy* (1983) maintains that the reason that the British privileged masculinity was to legitimate their model of colonialism as valid. That is, colonialism was defended because of the effeminacy of the Indian Other[38]. The reason for this, Nandy argues, is that the British conception of sex was such that effeminacy in men was "perceived as the final negation of a man's political identity, a pathology more dangerous than femininity itself" (8). Yet, not all Indians were portrayed in this way; groups that demonstrated 'manly' characteristics were positively represented, while the others were condemned. Nandy argues that this devaluation privileged an ideology of the 'martial races'[39], which, in turn, favoured "the traditional Indian concept of statecraft and gave the idea a new centrality" (7). In other words, by showing preference for certain types of masculinity, the British supported a vision of the Indian past that imagined a political system in which the British could better fit and control, that of a centralised nation. This notion, he contends, better enabled the colonialists to run the country. In this way, defining the Indian populace as effeminate served as a way to control the population.

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[37] For examples if this sort of argument, which links the inabilities of a people to rule properly with despotism, see: Bryce 1810; Mill 1826[1817]; Wilks 1810.

[38] The connection between the colonial Other and effeminacy is ubiquitous in various studies of colonialism (Banerjee 2005; Chowdhury 1998; Matar 1999; Rahman 1990; Reddy 2003; Rosselli 1980).

However, the most comprehensive study of this sort is by Mrinalini Sinha. In her book, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (1995), she argues that the colonialists used the notion of masculinity to define the colonial Other as weak and effeminate. Moreover, she rejects the simplistic notion that British masculinity was imposed onto the colonial population. Rather, she argues that changes in masculinity occurred in both India and Britain, as a consequence of imperialism. Yet, throughout her analysis, Sinha maintains that gender is used as a political tool, one that sees its articulations change by variations in the political and economic contexts of its usage, but one that still continues its evaluative role. That is, in the words of Benton (1999), masculinity is part of the 'colonial project'.

Masculinity, thus, was linked to the colonial nation-state. This relationship was often articulated in discourses of the *hijra*. That is, when the *hijra* were represented, this link between the state and masculinity were invoked. In this way, the *hijra* function as a nodal point of Empire in the context of this theme.

### *The Moral Aesthetic*

One last site in which the *hijra* anchors Empire is in the construction of a moral aesthetic[40]. Aestheticism can be thought of as an invisibly political point for several reasons. First, it is thought to be non-rational; taste or other types of aesthetic appeal are often thought of as articulations of a "supposedly natural, spontaneous expression" (Eagleton 1990: 2). Second, being part of this realm of the unconscious (or the Gramscian common-sensical), the aesthetic is linked to ideology. Thus, as James and Nancy Duncan (2001) state:

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[39] For Nandy, this ideology is "the hyper-masculine, manifestly courageous, superbly loyal Indian castes and subcultures mirroring the British middle-class sexual stereotypes" (7).

[40] By using this term, I am not just evoking the notion of beauty and taste, but I am talking about the visceral quality that underlies such evaluations.

> Being relatively unarticulated except in the most naturalized, unselfconscious terms, the aesthetic is separated from the realm of the cognitive. The aesthetic disposition in this sense is related to ideology in that it refers to the unarticulated, unmediated, and naturalized pleasure one takes in the concrete materiality of things in themselves. (391)

That is, aesthetic preference is not 'natural' but has its origins in the social.

The ideological nature of this aesthetic is significant as a social construction. As Pierre Bourdieu (1984) has argued, it is a product of "social conditionings associated with a particular class of conditions of existence [and] a distinctive expression of a privileged position in social space" (56). In other words, aesthetic distinction is learned and is representative of a particular social position. For instance, certain tastes, Bourdieu argues, are learned as signifiers of ones class. That is, while liking something might be understood as personal choice, it is a discernment that can only be understood as contextualised amongst social relations. This construction is one that is enmeshed in a field of power relations; different classes are socialised to have different sets of taste. By embodying *values* in the activities of everyday life, taste signifies class position. It does this, though, in such a way as to naturalise this hierarchy of division. That is, taste naturalises the social order.

Terry Eagleton (1990) emphasises this political role, arguing that the aesthetic discourse functions as a project of political and cultural hegemony, whereby the ruling ideology colonises the 'hearts' and ostensibly 'natural' affections in such a way as to hide power. That is, insofar as the aesthetic has a place in the realm of everyday life experience, its content is rarely challenged. This way of understanding the aesthetic, especially as a tool used in the power struggles, is common. Jean and John Comaroff (1991), for example, maintain that imperialism has the colonisation of "aesthetics of an alien culture" (4) as one of its goal. One way this is often conceptualised is through the aesthetics of racialised bodies; the "English/European division of beauty into 'white' or 'black' not only served aesthetic purposes but supported an ideology that still continues to serve the interests of white supremacy and male hegemony" (Hall 1995: 4). Likewise Paul Gilroy (1993) emphasises that the culture of Eurocentric modernity contains within it an aesthetic, one, he argues, can be challenged by other aesthetics.

However, there is a problem with imagining the aesthetic as a product of some transcendental ideology. As Homi Bhabha (1992) notes, the aesthetic cannot be seen simply as a "tradition of a materialist aesthetic that sees art as the displaced or overdetermined symptom of social reification -- a fetishism of phenomenal forms that conceals 'real' ideological contradictions" (144). Such a perspective posits ideology as somehow transcendent to the aesthetic, defining the latter as lacking the 'Real' that the former accesses. Rather, the aesthetic must be imagined in a more immanent fashion.

To do this, it would be useful to draw on my previous discussion of translation. Aesthetics are translated. Thus, in the colonial context, tastes are not simply ideological products of imperialism that are imposed into the 'native' populace, but they are translated through discursive means (i.e., normative accounts of various practices deemed 'indigenous'). Through such a translation, a community is constructed, one that has a shared normative structure. Thus, developing Eagleton's idea of aesthetic hegemony, Duncan and Duncan (2001) argue that taste is not simply made hegemonic, but constructs an invented community. In their words:

> Taste has come to be seen as the property of individuals, with each entitled to their own. This produces a sense of community based on the idea of autonomous individuals sharing taste. From this point of view, the aesthetic has the same qualities as hegemony. (392)

Thus, what is being translated is an aesthetic quality of a community. In this way, aesthetics are not imposed, but translated onto a population.

Yet, this aesthetic is not simply a matter of preference. Given that it is linked with the tastes of a particular community, it has moral overtones. In classifying distinctions as good or bad, a normative element is contained within these aesthetic judgements. Through this aesthetic, certain practices are defined as undesirable or desirable. As Charu Gupta (2002) has observed, this moral element not only creates a sense of community, but it also paints other communities as lacking moral qualities;

> It has been remarked that from the late nineteenth century onwards, endeavours were made at linguistic standardization of Hindi, combined with attacks on any hints of eroticism and obscenity in Hindi literature, seen as hallmarks of a decadent, feminine and uncivilized culture. There was a growing fear of romance, of sexual and bodily pleasure, seen as a transgression of the ideals of the nation itself. Aesthetics became an exercise in ethics. (197)

Through the translation of the aesthetic, a moral aesthetic is constructed that enables governance. That is, the moral aesthetic is an important site for the emergence of Empire.

The *hijra* are present in discourses of the moral aesthetic in ways that anchor Empire. The *hijra* were understood as figures that transgressed bodily boundaries, as well as social and cultural ones. This transgression is described in terms of a specific range of aesthetics in British representations of the class: disgust, abhorrence, and revulsion. So, not only are their practices, ranging from wearing women's attire to begging, normatively evaluated in the articulation of this aesthetic, but their bodies are also so described. Through the construction of this moral aesthetic in the context of the *hijra*, a particular community is evoked, while, at the same time, another is devalued. That is, a British aesthetic is translated into the South Asian context in such a way as to privilege a particular moral order and to represent the ostensibly indigenous community, which does not value this order, as immoral and therefore in need of governance.

Thus, at the same point that the *hijra* are articulated in sites of other nodal points -- Cryptocrystalline Orientalism, ideology of 'native' governance, suturing regimes of the sexual body, and the relationship between masculinity and citizenship -- they are also situated in terms of the moral aesthetic. That is, these various nodal points do not sit in isolation, but intersect. For instance, the moral aesthetic is intelligible only within the context of the Cryptocrystalline Orientalist discourse of morality, which, within the framework of the ideology of 'Oriental' rule, evokes a will to govern. Also, the different conceptions of sexual embodiment are made evident with the moral aesthetic. Of course, the moral aesthetic with which deviations from masculinity are described demonstrate the way in which these two nodal points overlap. It is through, but not exclusively, these five nodal points that the *hijra* anchors Empire.

## Conclusion

This chapter has provided the theoretical underpinnings of the following project, especially in answering my two-fold problematic: how was the subject position of the *hijra* translated in such a way as to enable colonial governance and how did these subject positions demonstrate transformations in Empire. Drawing on Lacan and Foucault, I have retheorised Empire as a discursive architecture. As such, it is historically contingent
and an immanent phenomenon that takes into consideration the ways that ideology and discourse constructs subjects. However, instead of understanding empire as an intersection of discourses, my notion of Empire is an architecture of discourse, dialectically related, that uses the idea of translation as a metaphor by which to understand the operations of power.

As an immanent occurrence, Empire is experienced in the political realm as the translation of the modern nation-state into the colonial context. The result of such a translation is the colonial nation-state, a process that has its origins in the everyday dialogues of those in power in the colonial regime. Thus, as various decisions, policies, laws, and institutions are debated by Imperial administrators, the results of these disputes define the form and content of the colonial nation-state. Through this process of continual emergence, such a nation-state is based in the contradictions of modernity and the invented community that it presupposes.

However, Empire as a discursive architecture is a complicated phenomenon that, in its fluidity, always threatens to fall into Ruin. Moreover, the very nature of the colonial nation-state as a corollary to Empire is contradictory, threatening to force Empire into Ruin. To prevent such a fall, Empire is anchored through nodal points, sites in which the unstable nature and contradictions of Empire is stabilised. The five nodal points that I have introduced are: Cryptocrystalline Orientalism; the ideology of 'Oriental' rule; suturing regimes of the sexual body; masculinity and citizenship; and the moral aesthetic. Through these five points, the *hijra* produce and stabilise Empire, keeping it from falling into Ruin.

# Chapter Three: Relations to the Subject – The *Hijra* and the Academic Project

The key theme of this chapter is how to understand the *hijra*. Primarily, I will do this by tracing how the *hijra* have been represented in modern academic literature. However, these representations are by no means consistent. While some scholars insist that the *hijra* are castrated men, others maintain that both castration and maleness are not necessary for class membership. Furthermore, even though some authors claim that they are homosexuals and engage in prostitution, other writers disagree. Yet, in spite of these contradictory representations, there is a set of key associations apparent in these accounts; even if their position differs, they still evoke questions about sexuality, gender, embodiment, 'thirdness', religion, political exclusion, social reproduction, and origins. These themes are important because, as I will explain in the next chapter, these associations in modern academic literature are based in colonial accounts.

Ultimately, I am not interested in the ontological truth of these competing representations of the *hijra*; rather, I argue that these contradictory representations and the set of associations that they invoke reflect the Foucaultian power/knowledge nexus, particular ways of constructing the world, and the colonial roots of contemporary academic representations. Consequently, in order to evade the constraints of these representations and the relationship to power that they invoke, I want to focus on the *hijra* as a subject position. That is, I propose that the *hijra* can be understood as a product of particular power relations. Such a conception emphasises the positionality of the *hijra* within the framework of Empire.

This conception of the subject position draws on what I have already set up. To briefly recapitulate, in the first chapter, I introduced how the project that this dissertation represents is both an archaeology and a genealogy. The archaeological method, I argued, aligns with my problem of how sexuality and gender were used within Empire. It is this way of examining Empire that emphasises the symbolic order of its discursive architecture, which I considered in the last chapter. On the other hand, the genealogical method is a way to answer the second concern of my dissertation: how were the changes in Empire articulated in the subject position of the *hijra*? For this question, I have theorised the discursive architecture of Empire to have an axis that roughly corresponds with Foucault's historic *a priori*. It is within this framework that the idea of a subject position makes sense. In order to flesh this out a bit more, in this chapter, I will also provide a discussion on how the subject position is rooted in my understanding of history, not as something that is real and that can be captured and reproduced, but as something created, drawing on the traces of the past that rest in colonial and contemporary discourses.

In order to situate myself in this project, it is important to provide a brief overview of how I undertook this endeavour. For this project, I travelled to London, England, in order to access the archives at the British Library in the summer of 2007. There, I accessed several government-ordered/published documents, mostly on the censuses, gazetteers, and law. While most of these were widely circulated in the British Empire, some of them were only seen by a few officials. Also, I perused published works that played an important role in shaping public perceptions of British India. After I spent several months there (and a quick trip home to recuperate from life on the road), I journeyed to India. First, I visited the National Archives in Delhi, followed by a trip to the Pune Archives. In both of these locations, I spent approximately a month examining their records. I was also able to make day-trips to the Mumbai Archives, from Pune. At all of these depositories of archival information, I poured over various colonial documents and reports on the *hijra*. Unlike the documents at the British Library, these often written accounts had limited circulation and were, therefore, rare and sometimes unique to the archive at which they were located.

As can be seen from my archival research, while this undertaking focuses on the relationship between Empire, sexuality and gender, and the emergence of the colonial state, it is also located in the field of *hijra* studies, one that has seen considerable growth over the past two decades, as academic accounts of this group increase in number and scope. For this reason, it is important to discuss the relationship between the *hijra* and my project. How do I conceive of this class of people? How did I interpret the situation when I found a trace of their presence in historical accounts? How did I identify unnamed figures in British accounts as representatives of the *hijra*? In this chapter, I will address these sorts of questions. First, I will provide an overview of the academic representations of the *hijra*, with an eye to critiquing the project of knowledge-construction implicit in such portrayals. Such a scholarly endeavour of representation, I argue, constructs the *hijra* in a particular way, one that is not useful for my analysis. Second, in the context of outlining my own historiography, I will propose an alternate way of speaking about the *hijra*: as a subject position.

### The Hijra – Contemporary and (Im)Possible Representations

In this section, then, I want to answer the question: who are the *hijra*? To begin to answer this query, I will provide a brief overview of academic depictions. The purpose of this review is not to uncover the ontological truth about who the *hijra* are, however. Instead, I will argue that academic representations of the *hijra* construct knowledge in such a way as to hide particular relations to power; that is, through their seemingly objective accounts of who and what the *hijra* are, scholarly constructions of the *hijra* exemplify the Foucaultian knowledge/power couplet, naturalising and obfuscating the operations of power implicit in such portrayals. This takes place through two processes. First, I will argue that representations of this class of persons attempt to reduce the complexities to certain characteristics that come to be associated with the *hijra*. These attributes, however, are not politically innocent ones, but often articulate, seldom intentionally, frameworks of meaning. Such portrayals, then, hide the political projects of the writers, as well obfuscates their 'desire to know'. Second, insofar as they are based on colonial accounts, academic depictions of the *hijra* often take up the assumptions inherent in these descriptions. In other words, instead of challenging the naturalisation of power implicit in the colonial accounts of the *hijra*, something which the following chapters of this dissertation will focus on, academic representations of this group accept and continue such constructions. Through an illumination of these two processes, I will set the stage for the next section, in which I will propose a different way to understand the *hijra*, as a subject position.

While the *hijra* have garnished significant academic attention over the past few years, only a few accounts have emerged as central to the field of *hijra* studies. Serena Nanda's *Neither Man nor Woman* (1990) is considered by most to be the leading book on this group. In fact, there are only five other books on them, two of which are popular (Ahmed & Singh 2002; Balaji & Malley 2000) and three which are academic (Jaffrey 1996; Reddy 2005; Sharma 1989). While academic interest in the *hijra* really emerged in the English-speaking world[41] in the late 1950s and early 1960s with an argument between G. Morris Carstairs (1956, 1957, 1962) and Morris E. Opler (1960, 1961) over the nature of the *hijra*, many scholars have written articles on this group, most notably Lawrence Cohen (1995), Vinay Lal (2003), and Kira Hall (1997; with O'Donovan 2006), the last of whom has written excellent reviews of the *hijra* though their use of language. However, in spite of this interest, there have only been three explicitly historical studies of the *hijra* (Jaffrey 1996; Lynton & Rajan 1974; Preston 1987).

Academic accounts of the *hijra* consist of complex and contradictory definitions and associations with those of this class. Demonstrating that scholars cannot even agree on how to transliterate the word, the *hijra* are recorded as *Hedjra* (Khan 1986 [1926]), *Higra* (Thurston 1906), *Hijara* (Davis & Whitten 1987; Jani & Rosenberg 1990; Pimpley & Sharma 1985; Opler 1961; Seabrook 1999; Sharma 1984; Taylor 1997), *Hijira* (Mukherjee 1980; Rao 1955; Sen 1971), *Hijdas* (Preston 1987; Singh 1996), *Hijada* (Davis & Whitten 1987; Patel 1983, 1988; Poffenberger & Patel 1964; Shah 1961; Taylor 1997), *Hingra* (Davis & Whitten 1987), and *Hinjras* (Carstairs 1957; O'Flaherty 1980; Zwilling 1992). Moreover, the *hijra* are also known by many names. Three groups that are linked to *hijra* by various writers are the *fathada* -- also rendered as *Fatada*, *Phathadas*, and *Fatdas* -- (Hall 1997; Poffenberger & Patel 1964; Roscoe 1996; Shah 1961), *pavaiyas* -- transliterated alternately as *Pavaya*, *Pavya*, *Paviyas*, *Pawyu*,

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[41] The first significant academic account was by Sumant Mehta in 1945; while this piece is often referred to by scholars in the field, its lack of accessibility has reduced its impact.

*Pawariya*, *Parwaniya*, and *Pawaiya* – (Hall 1997; Mehta, quoted in Hall & O'Donovan 2006; Patel 1988; Poffenberger & Patel 1964; Roscoe 1996; Shah 1961), and *Jankha* or *Zankha* (Sinha 1967), although this last term is either only associated with the *hijra* when they are dancing in women's clothes (Rose 1980[1919]) or, more often, contrasted explicitly with the *hijra* (Cohen 1995; Hall & O'Donovan 2006; Vyas & Shingala 1987). Furthermore, *Bugga*, on the word of Naqvi and Mujtaba (1997), is the name for *hijra* in Baluchistan. *Chakka* also denotes *hijra* (Allahbadia & Shah 1992), although it is a derogatory word (People's Union for Civil Liberties, Karnataka 2003); in a reference in Bhaskaran (2004), the word signifies 'gay man'. Many religious groups are considered synonymous with the *hijra*, including the *Kartabhaja* (Kripal 1995)[62] and the *Sakhibhava*[63] (Bullough 1994). Another group that is collapsed into the *hijra* are the eunuchs who functioned as guards and attendants in the harems of Muslim India, variably termed *Khaja-sara*, *Khojas*[64], and *Khwajas* (Hall 1997; Jaffrey 1996; MacMunn 1933; Miles 1933; Mondal 1989; Roscoe 1996)[65]. Another way that the *hijra* are linked to Islam is through the association of them with *mukhanna*[66] (Edwardes 1960; Hall 1997; Jaffrey 1996; Murray & Roscoe 1997; People's Union for Civil Liberties, Karnataka 2003; Roscoe 1996). Finally, several other designations are also connected to the *hijra*: *Ali* (Pattanaik 2002); *Chhibri* (Mondal 1989); *Nachania* (Mondal 1989); *Khasua* (Hall 1997; Poffenberger & Patel 1964; Roscoe 1996); *Khunsa*[67] (Hall 1997; Rose 1980); *Khusra* (Hall 1997; Kumar 1993; Murray 1997; Sharma 1989); *Khusara* (Mondal

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[62] For an overview of this group, see Urban (1999), who discusses eight different interpretations of the passage that Kripal uses to link the *hijra* with this sect; "The woman must become a *Hijra* [a man who has had his genitalia removed] and the man must become a *Khoja* [a eunuch or impotent man]; then they will be Kartabhaja" (231).

[63] Note that not all agree with this conflation; Hinz (2003) asserts that Bullough "slightly confuses the issue" (55).

[64] In some areas of contemporary India, *hijra* are called *kojja*, which is a reference to this institution (Reddy 2005).

[65] Some, such as Rao (1955) disagree with this association, instead arguing that the *hijra* are not related to this institution.

[66] This Arabic term denotes a group that "were assumed to desire being penetrated (and displaying traits such as wit and flippancy, association with music and certain musical instruments, activity as go-betweens, and (sometimes) cross-dressing" (Murray & Roscoe 1997: 305). Rowson (1991) does not link the *mukhannas* with passive homosexuality, but with effeminacy.

[67] A term that Rose (1980) defines as 'eunuch'.

1989), and *Kinnara* (Pattanaik 2002). Thus, according to many writers within this field, the social group of the *hijra* is considered a larger classificatory regime that includes many types of people. This is significant because, despite these often incongruous terms, the academic representations evoke a consistent set of themes, even as scholars disagree on who or what the *hijra* are around that theme; that is, in the context of such diverse accounts, certain themes emerge in scholarly depictions of the *hijra* that are of analytic use. While the connection between these varied terms and the *hijra* are often a result of historical references, something that I will explore in later pages of this dissertation, they also indicate associations of other sorts, including ones between the *hijra* and sexuality, gender, embodiment, and religion. In what follows, I will discuss eight main themes that appear in discussions and descriptions of the *hijra*, many of which are evident in the preceding. The main themes are: sexuality; gender; embodiment; thirdness; political exclusion; social reproduction; religion; and historical origins.

The two most persistent themes in academic discussions of the *hijra* are ones of sexuality and gender. This focus has met with some criticism from various writers. Devdutt Pattanaik (2002), for instance, asserts that there is more to the *hijra* than their 'sexual orientation'. However, in arguing for the importance of understanding this group in terms of their "well-defined social identity" (11), he stills privileges their representation in terms of such sexuality. Gayatri Reddy (2005), on the other hand, in her attempts to challenge this dominant portrayal of the *hijra*, does an excellent job of locating them in their social context, in such a way as not to overdetermine their sexual and gendered characteristics. That is, she is successful in her case that "viewing the hijras solely within the framework of sex/gender difference -- as the quintessential 'third sex' or 'neither man nor woman' -- ultimately might be a disservice to the complexity of their lives and their embeddedness within the social fabric of India" (4).

Still, depicting the *hijra* in terms of their sexuality remains a predominant theme in various scholarly writings. The arguments around this construction are numerous. Even though several authors assert that those who compose the social group partake in both hetero- and homosexual activities (Bullough & Bullough 1993; Naqvi & Mujtaba 1997; Seabrook 1999), it is the conflict between their purported asexual and homosexual activities that garnishes the greatest attention. Lal (2003), amongst other authors (Kumar 1993; Sharma 1984; Taylor 1997), represents the *hijra* as lacking sexual desire. Will Roscoe (1997) purports that the references to the lack of desire of the *hijra* refer to an absence of heterosexual desire; they "freely refer to their homosexual desires" (222). However, many others depict them as homosexual prostitutes (Agha 2002; Bullough & Bullough 1993; Carstairs 1957; Gilchrist 1999; Greenberg 1988; Khan 1997; Murray & Roscoe 1997; Norton 1997; Raghuramaiah 1991; Roscoe 1997; Urban 1998). A related point of contention is whether *hijra* have always been prostitutes (Jani & Rosenberg 1990; Mukherjee 1980), or whether they have recently followed this occupation, since, as some writers argue, there has been a gradual disappearance of their 'traditional' professions (Baird 2001; Nag 1995; UNESCO 2002). Some academics attempt to elucidate the two portrayals of the *hijra* by positing a trajectory; while some assert that the *hijras* begin as homosexual men and become asexual later in their lives (Allabadia & Shah 1992), others argue that they begin with no desire and, usually through involvement in prostitution, eventually gain desire for men (Lakshmi & Kumar 1994; Lynton & Rajan 1974). Most of these accounts attempt to define the *hijra* in terms of their sexuality, thereby positing a key attribute for membership in their community.

Often, this theme is present in the context of linking South Asia to a culture of homosexuality via the figure of the *hijra*. Sohail Agha (2002), for instance, discusses the homosexuality of the *hijra* within the framework of a discussion of how the trope of male-male love is predominant in South Asian literature, especially in Urdu poetry and the *Kamasutra*. Furthermore, Pattanaik (2002), Arvind Kumar (1993), Vanessa Baird (2001), and A. P. Sinha (1967) argue that, in a context of homophobia in India, homosexual men find that the identity of the *hijra* allows them a role in the Indian social sphere; that is, the *hijra* are represented as signifying the homophobic nature of South Asian attitudes. In fact, according to Carstairs (1956, 1957) the *hijra* indicate 'institutional homosexuality' in the Indian context, in the face of sexual repression. Similarly, some writers use the *hijra* as a way to attack homosexuality, arguing that they depict the 'depravity' (Mukherjee 1980; Raghuramaiah 1991) and 'indecency' (Ross 1969) of such practices, one which threaten to spread to the young people (Rao 1955).

A final context that *hijra* are linked to homosexuality is that of the spread of the AIDS virus, HIV. Several organisations have published reports, outlining the risk to members of the *hijra* community of HIV infection, including the Centre for Health and Population Research, Bangladesh (ICDDR, B 2003), People's Union for Civil Liberties, Karnataka (PUCL 2003), and UNESCO (2002). In addition, several scholars have associated the group with the endemic virus (Agha 2002; Allabadia & Shah 1992; Altman 2005; Baqi *et al.* 1999; Dowsett 1999; Lakshmi & Kumar 1994; Nag 1995; Reddy 2005). However, all of these accounts draw on the supposed prostitution of the *hijra* to men in South Asia as the basis for their discussions. In other words, instead of configuring the debate around the infection of individuals who happen to be members of the *hijra* population, these works depict the *hijras* as at risk by some characteristic of their collectivity.

The second theme, one that is equally as definitive in most accounts of the *hijra*, is that of gender; members of the *hijra* community are defined by their gender. This is apparent in portrayal of them as transvestites; the *hijra* are "males who undertake extreme cross-dressing behavior" (Davis & Whitten 1987: 86). Such transvestism also denotes, for many authors, the performance of gender; the *hijra* act like women. In fact, many scholars refer to the *hijra* as representing an institutionalised transvestism (Miller 1999; Morris 1995; Sharma 1984). Of course, there are a couple of accounts that deny their cross-dressing (Murray & Roscoe 1997; Sharma 1989[48]); yet they are in the minority. Some assert that this cross-dressing is linked to homosexuality (Carstairs 1957). Others add to this characteristic the attribute of being transgendered, whether it is in terms of castrati or hermaphrodite (Agha 2002; Baqi *et al.* 1999; Eskridge 1993; Jani & Rosenberg 1990; Khan 1997; Kumar 1993; Nag 1995; Ross 1969), while others maintain that the association between transvestism and transgender does not involve homosexuality (Mark 1981)[49]. Considerably fewer academics do not link their cross-dressing with either homosexual practice or transgender; in fact, A. M. Shah (1961), one of a small number to do this, states that only some, and not all, engage in homosexuality.

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[48] In stating that they are not transvestites, Sharma does not argue that they do not wear women's clothes, but, instead, asserts that they cannot be labelled as such because they have no fear of exposing their biological identity.

Another associated and equally as prevalent a theme is the transgendered nature of the *hijra*. However, the nature of such bodies is in question, and is a highly debated topic. Shah (1961), for instance, argues that, in the 1960s, there was no proof that the *hijra* were anything other than non-transgendered males. However, more recent discussions focus on evidence for their transgendered being. The predominant depiction of the *hijra* is that they are males who are transgendered, usually through castration (Agha 2002; Bacchetta 1999; Baqi *et al.* 1999; Goldman 1993; Master & Santucci 2003; Mukherjee 1980; Norton 1997). Some depictions of this group differentiate between uncastrated men, called *zananas*, and castrated *hijras*, especially in terms of authenticity (Bullough & Bullough 1993; Califia 1997; Cohen 1995; Rao 1955), while others maintain that they may be men with defective genitalia (Jani & Rosenberg 1990; Mondal 1989). Satish Kumar Sharma, for example, maintains that their social acceptance is owing to the fact that they are "victims of nature" (90). Yet, other academics assert that their ranks can include uncastrated men (Greenberg 1988; Sinha 1967; Suthrell 2004).

Yet, representations of the *hijra* do not just include castrated men, but also include impotent males. Sandeep Bakshi (2004), for instance, argues that "[a]ll hijras stress the notion of impotence as a prerequisite for joining the community and an eventual surgical emasculation for the attainment of divine and physical power" (214). Lal (2003) concurs with the necessity of impotence for inclusion in the *hijra* community. It is this theme of impotence that he links to masculinity; "[t]o speak of impotency, moreover, is to conjure up the image of masculinity, however deformed, dysfunctional, or deficient: only men may be impotent" (187). Impotence, in fact, is a reoccurring theme in academic depictions of the *hijra* (Bullough & Bullough 1993; Carstairs 1956; Eskridge 1993; Gilchrist 1999; Lakshmi & Kumar 1994; Rao 1955; Shah 1961). However, even this point is not agreed with by all; Sinha (1967) states: "Eunuchs in India are normal males, physically hale and hearty, born with normal genitals, which may or may not be castrated. He is a sexual pervert" (168).

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[49] While I. Bhooshana Rao (1955) does not remove homosexual practices from his discussion of the relationship between transvestism and transgender, he does argue that the *hijra* show less evidence of paedastery -- especially scarring around the anus -- than those who just cross-dress, the *zanana*.

Against the above accounts, some scholars include those who deviate from the category of male in the class of the *hijra*. While most include hermaphrodites and castrati in their ranks (Baird 2001; Bakshi 2004; Khan 1997; Kumar 1993; Lakshmi & Kumar 1994; Osborn 1994; PUCL 2003; Roscoe 1997), some expand the make-up of this group, allowing effeminate men also to exist as *hijras*. In the words of Anne Fausto-Sterling (2000): "Anthropologists have described other groups, such as the Hijras of India, that contain individuals whom we in the West would label intersexes, transsexuals, effeminate men, and eunuchs" (109). Of course, a few writers assert that the *hijra* community is only made up of hermaphrodites. For example, A. V. Ross (1969) posits that they have both sexual organs. Not only do accounts variably describe them as men and hermaphrodites, but some scholars state that women can also be *hijra* (Herdt 1994; Jaffrey 1996; Lal 2003); in the words of Sharma (1984), "a eunuch [*hijra*] is a sexually deformed male or female who in order to represent himself/herself in the society dress and adorns like female" (381). Female *hijra*, Sharma (1989) argues, have "a urinary canal but no vagina" (124).

Related to issue of the body is another theme: thirdness. This is one of the most significant themes in representations of the *hijra*, and one that will play a significant part in the later dissertation; for this reason, it is important that I undertake a detailed discussion of thirdness in this section. While some writers refer to the *hijra* as a 'third gender' (Agrawal 1997; Gilchrist 1999; Morris 1995; Towle & Morgan 2002; Weston 1993) and others as a 'third sex' (Blasius 1995;

Dowsett 1999; Master & Santucci 2003; Mondal 1989; PUCL 2003; Seabrook 1999; Vyas & Shingala 1987), several scholars use both to designate their thirdness (Baird 2001; Pattanaik 2002). Other common ways of designating their thirdness is as a 'queer gender' (Norton 1997) and as 'neither man nor woman', a designation made popular by Serena Nanda in her book of the same name (1990). All of these labels represent the *hijra* as a third discrete sex/gender, one that is outside femaleness and maleness.

The way in which this category of thirdness is referred to by scholars points to two contexts. The first is a global one, in which the *hijra* are linked through the rubric of the third gender/sex with groups as diverse as the *berdache*, *baklas*, *xaniths*, *kathoeys*, *galli*, as well as worshipers of Phrygia, the Aphrodite Urania, Inanna in Sumeria, and Ishtar in Akkad (Conner 1993; Gilchrist 1999; Morris 1995; Norton 1997; Patel 1997; Penrose 2001; Pettersen 2001; PUCL 2003; Roscoe 1996, 1997; Sharma 1989; Sinha 1993; Sweet & Zwilling 1993; Taylor 1997; Taylor 2000; Towle & Morgan 2002). These represent the thirdness of the *hijra* as indicative of a global phenomenon. The other context understands the thirdness of the *hijra* as something unique to the South Asian context (Baird 2001; Master & Santucci 2003).

More often than not, discussions of 'thirdness' portray the *hijra* as challenging the rigid gender binaries, thereby celebrating their position. In the words of Roberta Gilchrist (1999), the *hijra* are "distinct genders that break down binary categories of male and female" (79). It is their violation of prescribed gender roles that have earned them this transgressive label (Kumar 1993; Weston 1993). Also, their embodiment itself is perceived to challenge patriarchal gender roles; as Lal (2003) argues, the removal of the penis points to "the very disruption of patriarchal mastery" (195). In fact, as Bakshi (2004) maintains, the performances of the *hijra*, in which they enact gender roles with, most often, a largely male audience, is subversive; it:

> becomes a discursive site of critical negotiations between the symbolic patriarchs and alternatively (inter-)sexed beings. This site reveals the fiction of gendered and sexed realities where gendered and sexualizing forces (in the figure of the patriarchs)

> play and are played out (the figures of the hijras, who enact both the feminine and the masculine parts in case the males present in the ceremonies refuse to take part in their song and dance sequences). (217)

Such a transgressive role has been also noted in their use of insults, which they level against others in ways that violate norms of propriety. But, as Hall (1997) contends, their use of insults hails the listener into a discussion that presumes a frame of reference to which the listener would not, in 'polite society', be exposed. Yet, insofar as the listener engages with the *hijra*, she/he occupies this same space of sexual and gender contestation. Through this discursive space, the *hijra* not only holds linguistic power, but can use their position as marginalised -- specifically, the fact that they have nothing to lose -- to 'curse' those who have much to lose, thereby creating another space for power.

Yet, some writers emphasise that the *hijra* are not subversive, but can enable hegemonic roles. Pat Califia (1997) asserts that "at least one role the hijra play is to provide a socially-sanctioned slot where biological males can be sent to *prevent* them from indulging in homosexuality" (147). In Califia's analysis, then, two points emerge: first, the community of the *hijra* is a receptacle for gay men, ensuring that they are removed from society; and, second, the presence of the *hijra* guarantee that men do not engage in same-sex intercourse with other men, since they can frequent the services of the *hijra*. While such an argument flattens the complex South Asian sexual sphere and reduces the *hijra* community to a function based on one sexual attribute, one that is not established, Califia's criticism is loosely echoed by another scholar, Anuja Agrawal (1997). She contends that the 'thirdness' of the *hijra* is not transgressive; "a third gender appears to come into being only through a cultural institution of a third body, the normativity of which may be designated as 'sex'" (294). So, although multiple genders and sexes can exist, they do not challenge the dichotomy between sex and gender.

In fact, there are several other scholars who critique this labelling of the *hijra* as 'third'. Lawrence Cohen (1995), for instance, asserts that such a designation assumes that all those who occupy a 'third' space are the same.

Against this assumption, he argues that many of those called 'third' are very different, and have different relationships to gender. Second, Cohen notes that authors who evoke this category ignore violence committed on people who make up this category; that is, academic privileging of 'thirdness' as a form of gender critique ignores the cruelty and prejudice with which such people are treated. Furthermore, the so-called thirdness of the *hijra* is not a distinct category, but indicates a variant of manhood; they are not simply a third gender, but a masculine third gender (Penrose 2001). As I mentioned above, the self-identification of *hijra* "are almost always shifts from male-to-third (as opposed to female-to-third), contributing in some measure to the naturalizating of femaleness as reproductive capacity" (Reddy 2003: 191). That is, they are not 'neither man nor woman', but deficiently man and incompletely feminine (Hall & O'Donovan 2006).

Thus, according to Lal (2003), the class *hijra* refers to more than just the 'third gender'; they are liminal. In fact, any discussion of them as third, Lal maintains, is inadequate. For him, thirdness is dependent a particular form of Aristolean logic, which is founded in a structure of duality. Instead of this, he supports another form of logic:

> Indian logic, at its simplest, presents a more diverse array of possibilities: thus, where X is hijra and A is male, we can postulate that X is A; X is not A; X is not non-A; X is both A and non-A; and X is neither A not non-A; and likewise a similar set of possibilities is conjured by rendering A as female rather than male. (191)

Thus, they are 'not this, not this' (*neti*, *neti*); they are 'neither woman nor man'. Similarly, P. N. Pimpley and S. K. Sharma (1985) argue that 'western' rationality cannot appreciate this liminality -- that "the opposition of male/female gender role does not remain a dualism but is mediated by the role of the hijara" (49) -- of the *hijra*, whereas the 'holistic, adaptive and encompassing' South Asian worldview can. Whether or not the ascription of a 'western' mode of cognition[50] is accurate, their critique of thirdness and consequent support of liminality is a useful, but atypical, way of thinking about the *hijra*.

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[50] Indeed, the dichotomy of a 'Western' versus a 'Non-Western' logic supports the very Orientalist assumptions -- part of what I have termed a discourse of Cryptocrystalline Orientalism -- that serve as a nodal point of the understanding of Empire that I am putting forth in this project; that is,

While the above concerns around sexuality, bodies, and thirdness are most commonly articulated in academic literature, there are other themes that are present on the *hijra*. One such point of interest is religion. Religion, however, also intersects the other themes thus discussed. This can be best seen in the works of Nanda, who emphasises that the *hijra* have a ritual role, which is due to their asceticism. While their religious role involves the worship of the Goddess Bahuchara their ranks are not composed of just Hindus; Muslims are also *hijra*. In this version of their religiosity, though, prostitution and homosexuality are in direct odds with their social position. Nanda notes: "[t]hat hijras, at least in modern historical times, engage in widespread homosexual activity, undermines their respect in society but does not negate their ritual function" (1990: 10).

One point of contention that arises from their religious role is where their devotional allegiance is directed. While it is generally accepted that they belong to a religious community (Fausto-Sterling 2000; Kripal 1995; Norton 1997; Taylor 1997; Urban 1998), some argue that they are all Muslims, even if they must convert (Mondal 1989; Mukherjee 1980; Ross 1969). Yet, they are connected with Bahuchara whose iconography and worship is characteristically Hindu (Allabadia & Shah 1992; Kumar 1993; Nag 1995; Roscoe 1997; Weston 1993). In addition, the mythologies that are articulated by the *hijra* communities often evoke the epics of Hindusim, the *Mahabharata* and the *Ramayana* (Bakshi 2004; Shah 1961). Moreover, some writers explicitly connect the *hijra* with both Islam and Hindusim, despite the Hinduised iconography of Bahuchara (Sharma 1989; Shah 1961; Vyas & Shingala 1987). Religion remains to be a point of contention for those who represent the *hijra*.

Another theme is political exclusion. Historically, as I discussed in the previous chapter, this community has been denied political involvement and citizenship rights (Narrain 2004; Rothschild 2004); "queers and hijras", writes

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such a logic reifies the division between these two geographical tropes, creating a valuation of one over the other (in this case, the 'Indian' over the 'Western'), in such a way that ignores the heterogeneity of these cultural constructs.

Bacchetta (1999), "have had no rights to inheritance, adoption, custody, hospital visits, or to the bodies of their deceased partners or kin" (159). However, in the 1990s, the *hijras* have acquired the right to vote as women, their preferred identity, and to run for governmental positions. Baird (2001), for example, comments on the entry of the *hijra* into politics in the context of the explosion of what she calls 'gay visibility' in the political sphere. As Reddy (2003) argues, the support that the *hijra* have acquired has been through highlighting their "lack of genitals and any expression of gendered, sexed, and kinship-mediated ties" (167-168). However, while their new influence in the political arena does seem to rely on their disruption of the status quo, Reddy disagrees, asserting that "hijras invoke and manipulate popular cultural symbols of (Hindu) 'tradition' and mythology to legitimize their basis for (political) authority, and reinforce the very constructions of sexual, religious, and 'moral good' that anchors them to their marginal position in contemporary India" (172). Thus, even their political movement is still haunted by their marginality. In fact, Vera Mackie (2001) observes that the interest that people display in the eunuch-ness of the politicians says something about the archetype of such political leaders, one that is "middle-class, heterosexual male" (190). That is, it is their difference from the political archetype that has garnished them such attention, a difference that, in their case, speaks to their marginality.

Another reoccurring theme is that of social reproduction; how do the *hijra* continue their ranks. The two sides of the debate on this issue are that they recruit through coercive means -- usually kidnapping or purchasing children -- or that people join their ranks voluntarily. In the 35 interviews that Allabadia and Shah (1992) did of the *hijra*, they report that almost all had been either kidnapped or purchased, and then castrated. Indeed, Sumant Mehta (in Shah 1961) reports that the *hijra* are known to kidnap "a mentally backward child" (1329), as well as children being offered to the Goddess of the *hijra*. While this practice of social acquisition is supported by other scholars (Lakshmi & Kumar 1994), others do not agree. Sharma (1989), for example, provides an overview of methods of recruitment, both voluntary -- handed over by parents and the *hijras* take the child when they discover its genitalia -- and coercive -- which includes both coercion on the part of the *hijra* and coercion on the part of the family who force the individual to become a *hijra*. Both Greenberg (1988) and Seabrooke (1999) refer to the practice of kidnapping and purchasing children to be rumoured. Most scholars, however, maintain that people join the *hijra* because they wish to join their ranks. Drawing on the Lucknow community of *hijras*, Sinha (1967) purports that people join the *hijra* because they exhibit 'sexual inversion'.

The final theme that I want to discuss is the historical origins of the *hijra*. While many authors refer to the *hijra* in the context of British colonialism (Agrawal 1997; Bhaskaran 2004), it is generally accepted their origins predate the presence of the British in India. In fact, Lawrence Preston (1987) provides an excellent examination of the social context of the *hijra* from the switch from the pre-British *Maratha* rulers of western India to the British government. However, that is where the agreement ends. Those who have written on this topic tend to fall into two camps: echoing the above discussions of the religion of this community, there are those who argue that the *hijra* owe their existence to the Muslim invasion, and those who assert that they emerged out of Hinduism. One way that the *hijra* are thought to be a Muslim import is through the harem. Given the similarity between the harem eunuchs (*khoja* or *khwaja*) and the *hijras*, many have drawn a link between the two groups (Edwardes 1960; Pattanaik 2002; Ross 1969). Kishori Lal (1994) exemplifies this argument, when he posits that, when harems were disposed of by the British, they took to the streets as performers and prostitutes -- skills that they developed in the harems -- and became what we now call *hijras*. Kira Hall (1997) acknowledges this link, but notes that the "historical connection between the *khwaja* of the Mughal courts and the *hijra* of contemporary India is unclear" (436). Still, the idea that Muslims introduced the castration of eunuchs, and therefore the institution of the *hijra*, into India is a common one (Artola 1975; Sweet & Zwilling 1993)

The other side of the argument draws on two bodies of related evidence. First, since modern *hijras* evoke Hindu epics and mythological narratives as their origin myths, many writers have concluded that the foundation of this social class must be placed with these stories. Based on these tales, various authors and organisations, including the People's Union for Civil Liberties (2003) and Baird (2001), have assumed that the *hijra* date back between 4000 and 2500 years; in this vein, Osborn (1994) has stated that the *hijra*, dating back 2400 years, is "one of the oldest spiritual orders on earth" (2). Others, however, have deduced that these origin accounts are constructive for meaning and legitimacy, and do not necessarily refer to the actual source of the group (Lal 2003). While, based on these accounts, some do assert that the *hijra* can be found in Vedic times (Patel 1988; Roscoe 1997), others link this group to more recent pre-Muslim religious groups, such as the *Sakhibhava* (Bullough & Bullough 1994; Hine 2003). A second body of evidence is a group of texts that refer to a class of persons that academics think are predecessors to the *hijra* (Bakshi 2004; Hiltebeitel 1980; Roscoe 1996; Zwilling 1992; Zwilling & Sweet 2000). I provide a detailed account of this discussion in the sixth chapter of this dissertation.

The significance of these academic representations is rooted in their truth effects. Despite the variances in the accounts, several themes do emerge. Certainly, scholars disagree as to the ways in which the *hijra* connect to these themes; for example, some argue that the *hijra* are homosexuals while others disagree. However, what is important is that these themes are present in these academic accounts. Yet, these depictions, insofar as they are constructed to appear as facts or as truth, represent a problem. The reason for this is that these themes are related to colonial understandings. That is, these academic accounts owe much of their legacy to imperial knowledge. I will explore the historical roots of these accounts in a few moments.

First, I want to discuss how these themes appeared in academia. It is significant to note that seven of the eight of these themes emerged in the first debates on the *hijra* in English-speaking academia, ones that took place from the mid-1940s (with Sumant Mehta's observations of the *hijra* in Gujarat) to the late 1960s. While the characteristics of the *hijra* were certainly contentious during these early disputes and considerations, certain themes emerged, since this group was variously depicted in terms of: sexuality, especially sodomy (Mehta in Shah

1961; Rao 1955) and homosexuality (Carstairs 1956); transvestism (Carstairs 1956; Rao 1955) and the failure of their gendered performance (Mehta in Hall & O'Donovan 2006); castration (Mehta in Shah 1961; Rao 1955) and impotence (Mehta in Shah 1961); political exclusion (Ross 1969); kidnapping children to reproduce their ranks (Mehta in Shah 1961); Goddess worship (Carstairs 1956; Mehta in Shah 1961); and ancient origins (Edwardes 1960; Shah 1961). However, the term 'third sex/gender' fell outside of these arguments as to the nature of the *hijra*. Certainly, some authors point to the notion of thirdness in some form of another -- evident from the hermaphroditism of some authors to Sinha's (1967) and Rao's (1955) sexology-informed 'sexual inversion'. Yet the use of the actual phrase did not come about until the 1980s in scholarly accounts. While Satish Sharma (1984) referred to them as 'neutrals' and the 'middle sex', Serena Nanda (1985) was one of the first, if not the first, academic to use the term 'third sex' and 'third gender'[51].

In spite of the appearance of these themes in academic discourse in the mid-twentieth century, they were all present in colonial discourse of the nineteenth century. British writers, for reasons that will become evident in the following chapters, characterised the *hijra* in terms of sexuality, gender, embodiment, thirdness, political exclusion, social reproduction, religion, and, to a degree, historical origin. In fact, these representations emerged in this colonial period. This relationship between academic knowledge and colonial knowledge exemplify the relationship between knowledge and power. I am not simply stating that the sources that contemporary academics utilise are colonial ones, although this is partially accurate; such scholarly accounts draw, often uncritically, on colonial accounts of the *hijra* as ontological truths. Instead, I am also arguing that these colonial depictions served as the conditions of possibility for academic understandings of the *hijra*; through their focus on certain aspects of the *hijra*, the colonial accounts constructed a conceptual framework that premised, and therefore served as the basis for, much of the scholarly work done on the this group. In this way, the political reasons behind the particular representation of the *hijra*, reasons that I will explore in this dissertation, become subsumed in the academic understandings of this class. Consequently, since scholarly forms of knowledge often have the status of being 'true' and 'objective', these accounts make the ideological underpinnings of these representations naturalised, of not obfuscated.

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[51] One of the reasons that this term was used by Nanda was to provide a challenge to the dualism of the two-gender model, especially, given that 'third sex' has a linguistic referent in Sanskrit texts (see chapter five), in indigenous terms.

It would be useful for me to provide a brief example of this process. One theme is the social reproduction of the *hijra*. While many writers insist that the *hijra* replenish their ranks through kidnapping and subsequent castration of young boys, some disagree. Yet, whether one agrees with this method of reproduction or not, the terms that it enacts are important. That is, accuracy aside, this debate articulates specific norms: child kidnapping is wrong and it is the nation-state's role to stop it; the *hijra* cannot procreate, so kidnapping children is an intelligible way to gain members; and the *hijra* are a discrete social group that have customs, such as kidnapping, that unite them. However, this debate can be traced to a moral panic in India during the early 1860s. Partially at the basis of this representation of the *hijra* at the time was a discourse that connected slavery, despotism, and Islam. Moreover, this moral panic also was one that could only be understood in the context of an emerging notion of childhood, especially as it was related to the ostensibly modern nation-state (see chapter eight). These narratives, then, become invisible in contemporary academics accounts of the *hijra*. Furthermore, the assumptions inherent in these discourses become uncritically integrated into current understandings of the *hijra*. Thus, many scholars who participate in this debate tacitly accept that it is the nation-state's role to protect children from kidnapping, thereby supporting a paternalistic notion of such a state and the construction of childhood innocence that premises such a role. Power is made invisible by the construction of knowledge; specifically, colonial power is obfuscated by the purported accuracy of academic forms of knowledge. Moreover, the separation between colonial and academic knowledges becomes increasingly difficult to maintain.

The academic construction of knowledge also intersects colonialism at another point. In an attempt to define who the *hijra* are, and therefore who they are *not*, the scholarly accounts of the *hijra* hide a range of associations and meanings; they label them as incorrectly referring to the group. Yet, as I discussed above, many of the debates over the supposed homosexuality of the *hijra* were staged in the context of an India that was defined by particular sexual difference from the ostensible West; whether they supported or decried such a construction of a sexual India, the writers use the *hijra* as a figure to speak about this India. That is, these scholarly accounts represent a desire to make the South Asian context intelligible to the 'Western' audience; as such, they construct South Asia in a particular way, one which contrasts 'East' from 'West'. For instance, the privileging of 'thirdness' in the Indian context favoured a sexualised India. In this way, academic knowledges are often framed in such a way as to enable a colonial logic that separates the 'East' (read: Orient) from the 'West'. Through this articulation of a pseudo-Orientalist (or, drawing on my arguments in chapter two, a pseudo-Cryptocrystalline Orientalist) logic, once again, the division between academic and colonial knowledges becomes blurred.

This problematic relationship between knowledge and power in these scholarly accounts is evident in another way. I have focused on how academic representations of the *hijra* have constructed them as a discrete group with particular characteristics. However, these representations are diverse and conflicting; even though scholars want to construct them in terms of a distinct social group with unique features, there is little agreement as to what this would look like. According to academic literature, the *hijra* are defined by certain qualities, all of which are debated: sexuality; transvestism; transgender; thirdness; religion; political exclusion; social reproduction; and their historical origins. Part of the problem that scholars face is that many of them are attempting to establish who and what the *hijra* are; in other words, they are focusing on their ontological status. In many ways, these representations become rhetoric of authenticity. If one defined the *hijra* in religious terms, one dismisses the non-Hindu population, especially the Muslims, and delegitimises prostitution as a way of making money.

Nanda, for example, asserts that, since the *hijra* are a religious group, prostitution 'runs counter to their role', and goes against Bahuchara; this description serves to exclude prostitutes from being 'proper' *hijras*. In other words, academic accounts of the *hijra* are, in some cases, normative; in excluding some definitions of what it means to be a *hijra*, they deny certain claims to membership in the group. Like the relationship between colonial and academic knowledges, this exercise in governance also naturalises power such that it becomes invisible.

Finally, these representations are suspect because most of them do not articulate any 'desire to know', which, as Gayatri Spivak argues, can deny agency to the represented. That is, for Spivak, academics envision and theorise particular groups of people in ways that deny them agency. Those who occupy certain subject positions, such as the subaltern, cannot speak, but are instead spoken; the subject that is granted a voice is a product of the desire to know the voiced subject. Such a desire, mired deeply in the intellectual tradition, serves to construct subjects who cannot speak for themselves. The scholarly and popular depictions of the *hijra*, then, contain within them a desire to know that silences the *hijra*. While there have been some attempts to avoid this pitfall and allow the *hijras* to speak for themselves (most notably: Ahmed & Singh 2002; Balaji & Malley 2000; Reddy 2005), the academic literature fails to do this.

## Historiographical Considerations

So, how can I resolve these tensions between knowledge and power? In this section, I propose an alternate way of understanding the *hijra*. Instead of attempting to comprehend the *hijra* through the difficult task of determining the nature of their ontological being, I will examine the *hijra* as a subject position, or as an imagined social location that is historically constructed. In British India, this positionality of the *hijra* is significant, because, as I will demonstrate throughout this dissertation, the British used it to construct Empire, both as a paradigmatic symbolic order and a syntagmic historic *a priori*. That is, it was not the *hijra* as individuals that functioned as a nodal point to anchor Empire, but the *hijra* as a subject position. My first task in this section, then, is to provide an overview of what I mean by the term 'subject position'. In doing so, I will need to speak to my own historiographical orientation. In brief, I view History, not as an ontological field that I need to somehow access directly, but as a text that has many different readings and interpretations. In fact, I will argue that History speaks more to the present, as the source of the lens through which the studier of History (me) understands, than it does to an ontologically accessible past. In this way, History is the Real that is mediated by the Symbolic of understanding.

The notion of a subject position has two relevant aspects. First, it is partially constituted by the idea of the 'subject'. This speaks to the self that one identifies with. However, it is one that is constructed; the sense of self does not exist *apriori* to the social forces that produce it. As a construction, a subject is not unique identificatory utterance, but is one that is imbedded in a field of social relations. As Etienne Balibar (1991) has convincingly argued, even the modern subject (*subjectum*), which is equated with equality and liberty, is subjected to various social agents. Second, a subject position speaks to a spatial component; it is a space, a location. One occupies a position; the position exists prior and outside of individual who comes to take it up.

A subject position, then, is a position in which one is interpellated[52] and identifies as a particular type of being. Thus, it is different than an embodied individual; it assumes a subject that is not immanent, but, through its appeal to generality, is a transcendental one. That is, no one fits a subject position perfectly; it is an ideal type that subjects those who are interpellated and identify with the position. With such a subject position comes a corresponding subjectivity. In the words of Bronwyn Davies (2000):

> Once having taken up a particular position as one's own, a person inevitably sees the world from the vantage point of that position and in terms of the particular images, metaphors, storylines, and concepts that are made relevant within the particular discursive practices in which they are positioned. (89)

In this way, a person can come to understand her/himself as related to others who fit in the subject position; a pre-existing community based on commonalities need not exist for someone to see her/himself represented in that community. Instead, she/he comes to see her/himself as 'belonging' to the community through the discursive practices that construct her/his positionality.

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[52] By using this term, I am evoking Althusser's claim that people become subjects when they are hailed as such; "*all ideology hails or interpellates concrete individuals as concrete subjects*" (1994: 130).

For this project, then, I propose to investigate the *hijra* as a constructed/imagined location that people come to occupy that enables certain axes of subjectivity (i.e., class, race, and gender). This notion of a subject position allows me to examine the *hijra*, not as ontological subjects, but as envisioned figures on the cultural landscape of India. Therefore, I will focus on the category of the *hijra*, and how this has come about, and focus less on the individuals (or the concrete individuals of Althusser, or the embodied individual) who occupy this role. That is, I will focus on subject position, and not on subjectivity, or the way in which individuals understand their identifications. In this framework, then, accounts of the *hijra* that claim some sort of ontological objective become both symptoms and consequences of the discursive processes that are assembling the subject position; they are inseparable from the political/knowledge project and, therefore, the technologies of power.

This approach has the added advantage of not assuming an internalisation of the discourses that constitute the subject position of the *hijra*. I am somewhat suspicious of the claim that those who occupy the subject position of *hijra* actually accept this plethora of claims about them in every circumstance. In fact, it is plausible that some of the identification with this category is strategic in nature. For example, reminiscent of the claims of eunuchs in the ancient and Hellenistic kingdoms of the eastern Mediterranean (Kuefler 2001), some have asserted that "hijras have strategically exploited their perceived status as 'neither men nor women' in their own [recent] campaigns for political office" (Hall 1997: 431; see also Reddy 2003). Thus, by focusing on subject positions, I do not make claims as to the individual understanding of what being a *hijra* means.

Finally, another advantage of studying the *hijra* as a subject position is that it is compatible with the focus of this project, especially in terms of agency. The endeavour represented in the following pages is one that will examine how and why the British colonialists constructed the *hijra* as a subject position, and how and why they translated various persons into such a framework. Consequently, I am not interested in the various moments of agency of various persons who identify as *hijra*; while some *hijra* protested the ways in which the subject position was constructed and the ways in which they were translated into such a location, this is not the heart of this undertaking. It is not relevant to my project how the *hijra* thought of themselves. I do not want to speak for those who identify as being the *hijra*. Instead, my focus is on the ways in which the subject position was constructed, enacted, and translated onto the population. This dissertation examines the ways that power was evoked in the colonial context, and not what it meant to be a *hijra* in the nineteenth century.

In focusing on the *hijra* as a subject position, it is necessary to articulate the relationship to History that this project takes. As the second task of this section, I will discuss two aspects of my historiography: first, I will interrogate the relationship between the ontological and the epistemological that I utilise; second, I will make clear how I conceive of my access to History, mainly through texts and traces. To the first concern: with my methodological focus, I neither purport to academically represent the ontologically Real of History nor maintain that my subject is divorced from such a field of inquiry. Instead, the view of History that my project is based on is one that understands the realms of the ontological and epistemological as dialectically related. At the simplest level, what I am positing is that the Real -- the pre-subjective ontological state of existence that "'resists symbolization absolutely'" (Lacan, quoted in Jameson 1988:104) -- is always mediated through our tropes of understanding; the Real is inaccessible because it can only be conceptualised by its effects. This process of mediation is not "merely reflected but *refracted*" (Voloshinov 1973[1930]: 23); the very process of cognising the Real alters it such that the cognised world is somewhat different than the pre-cognised one. In other words, since we experience effects and not direct causes, "the conditions under which we know things and are conscious of ourselves condemn us *to have only inadequate ideas*, ideas that are confused and mutilated, effects separated from their real causes"

(Deleuze 1988: 19). Reality can only be experienced though our understanding of it, a comprehension that always fails to capture the Real.

In this way, the Real enters into the realm of the knowable only through cognition and, therefore, owes its very existence to such understanding. In other words, by mediating the Real, the process of conceptualising brings it into being as something with which we can interact. In this way, epistemology and ontology are dialectically interrelated in such a way as neither can be separated from the other; they are mutually constituting. That is not to say that there is no Real. As Ernest Laclau and Chantal Mouffe (1990) argue, "[i]f there were no human beings on earth, those objects that we call stones would be there nevertheless; but they would not be 'stones', because there would be neither mineralogy nor a language capable of classifying them and distinguishing them from other objects" (102). However, the only way that we have access to this is through understanding.

In this context, to quote Fredrick Jameson (1988) "the Real is History itself" (104). That is, History is inaccessible to us except through its traces, its effects. As we attempt to 'discover' History, we bring it into existence. Historical investigation, then, speaks of the present. As Walter Benjamin (1968) states: "To articulate the past historically does not mean to recognize it 'the way it really was'" (255). Instead, History is not merely what Benjamin calls 'homogeneous, empty time', but is a construction that has as its basis *Jetztzeit*, or the 'here-and-now'; history is a gaze into the what went before that 'reveals' the past in order to enable the present. Consequently, historical investigation speaks of the Gadamerian 'fusion of horizons', in which the 'field of vision' of the present is fused with that of the past; "[h]aving a historical sense signifies thinking explicitly about the historical horizon which is coextensive with the life we live and have lived" (Gadamer 1979: 110). Thus, the historical project, including the political desire to know that evokes it, is one that represents the past and present as a point of intersection; it speaks of and to Us and the historical Other in ways that create time itself.

This project, then, is both about the past and the present. Certainly, I am interested in investigating the past in an effort to understand how the *hijra* have come to be seen the way they are. Their present state of existence has created much of my excavation of the past. Yet, my desire to exhume the past is founded firmly in my contemporary surroundings. Haunting the pages of this text is a present-day concern: why have queer[53] voices been silenced by the state? Why, until quite recently, have queer persons in my homeland, a word I use somewhat sardonically, been denied rights of marriage by the government? How has masculinity served as a trope for these very exclusions? My search for and through the past speaks about these existing concerns, bringing the horizons of both temporal locations together, fusing them.

If the past and present are related in such a way, how can I conceive of History? One way to understand History is as a text. Following from a tradition that has Hayden White (1973) and Paul Veyne (1984[1971]) at its foundation, I find it useful to think of History, not as a search for some sort of 'Real' events, but as text that is brought into existence by its reading. Such a vision emphasises that the historical project is one of interpretation and is read through the present. Moreover, history is only available to us as texts, whether they are written, architectural, oral, or in any other form. The text does not refer to the Real in some naive sense, Jameson (1981) argues, but "must rather draw the Real into its own texture, and the ultimate paradoxes and false problems of linguistics, and most notably of semantics, are to be traced back to this process whereby language manages to carry the Real within itself as its own intrinsic or immanent subtext" (81). In short, the text, as it reacts to a specific situation, brings that very situation into being. History emerges as it is evoked, thereby exemplifying the dialectical relationship between the ontological and epistemological. Yet, insofar as History is textual, the construction of it is a vital target of research. Historical accounts are partially symptoms of larger discourses within a framework of intelligibility of the authors, embodied in the horizon of the writer. In such a way, while it is important what they say about history, it is also imperative to pay attention to what is invisible in the utterance.

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[53] By queer, I mean those who do not (or choose not to) fit into a sexual framework that is hegemonic in our historical present.

These texts are captured, controlled, and organised in the archive. The archive, however, has a voice. This is evident in the different ways that the archive is collapsed and organised. That is, it is not just the original writers who speak through the archive, but those who organise and control access to the archives who converse. In the British Library, for example, the contents of the India Office Records were organised in the same way that they were originally arranged by the British colonial officers. However, in the National Archives of India in Delhi, they organised their files by post-colonial categories. That is, each classificatory body -- say, the Home Department -- was the contemporary Ministry. One had to conduct a genealogy of the colonial categories to find which department it would be under. So, the "India Office: Public and Judicial Department Records 1795-1950" which I found so useful in London was now to be found under the "Home Department/Ministry of Home Affairs". Just like the organisation in London, this collapse of colonial categories carried with it an implied message about power, nationalism, and colonial histories. In fact, the non-national archives also used different ways of organising the various documents, creating a different voice in each place. The archive also spoke of privilege. In carrying out my research, I found that my subject spoke with a particular voice. After my initial time in the archives, I discovered that certain types of knowledge were privileged in the archive. Mostly, they were of a political, military, legal, and economic nature. That is, other ways of knowing the world were given little to no importance.

These voices spoke about and in my project in particular ways. First, insofar as I translated among the organisational modes of the different archives, the files that I examined carried with it the echoes of such translation. For example, in the records of the Pune Archive, each was organised under the name of the person who used to own the files, such as 'List of Files Received from Captain Cowper'. Under these headings, various pieces of information were grouped together in a way that they were not in other archives. So, whereas I experienced the documents in the context of the colonial categories in the British Library, in Pune, I read these various portions of documentation as a whole, thereby influencing how I understood the relationship among various files, as well as within the collection itself. Consequently, my interpretation of these accounts and reports were subjected to these very organisational methods. Second, since most of the relevant records were legislative and judicial ones, my project came to be defined in these terms. The only access to the construction of so-called sexualities -- specifically the 'sexualities' of my group -- in the colonial context came through these imperial administrative categories. I could not pay as much attention to other institutional articulations and, therefore, my project continues to construct the colonial context as one of legislative and judicial containment, thereby privileging the terms of such a construction. Hence, even a project such as mine, which takes the archive as its subject, which interrogates the colonial discourse, is itself a colonial construction. That is, the logic of the archive, the organising rubric of categories of knoweldges considered valuable, important, and relevant, serve to structure the mode of criticism, thereby reifying colonial values.

This historiographical context enables my examination of the *hijra* as subject positions rather than as a collection of people in-the-world. By studying the construction of a particular type of subject position, I am not making ontological claims about the world in such a way as to stretch the ability of the archive to reflect the Real. Instead, I am investigating how the *hijra* are translated/constructed -- and thereby enter the realm of the real -- through the very processes of knowledge production that are embodied in the archive itself.

Given these concerns and positions, I also locate my project in the realm of a kind of feminist historiography. By this, I do not mean feminist historiography as just indicating 'women's history', but as a perspective that, in the words of Kumkum Sangari and Sudesh Vaid (1989) "acknowledges that each aspect of reality is gendered, and is thus involved in questioning all that we think we know, in a sustained examination of analytical and epistemological apparatus, and in dismantling of the ideological presuppositions of so called gender-neutral methodologies" (2). The reason that such a historiography captures my own method is that, as Catherine Hall (1992) asserts, in order to achieve this feminist goal, this form of historiography has emphasised a focus on knowledge and power and abandoned "efforts to reconstruct a 'real' past and tackle questions of determination and causation" (24).

## Conclusion

Throughout this chapter, I have maintained that the relationship between knowledge and power is fraught. The *hijra*, as a people who have been increasingly scrutinised by the academic gaze, exemplify this relationship. While there is little consensus on how they are or what attributes they have, the themes that scholars apply to them are significantly consistent. Such writers conceive of this group of people in terms of certain attributes: sexuality; gender; embodiment; thirdness; political exclusion; social reproduction; religion; and historical origin. However, despite the fact that academics have seemed to only recently re-discovered those of this class, as I will expound upon in the following chapter, the very ways of representing the *hijra* that they utilise echo the ways that colonial authorities understood them. Academic knowledge, with its implied relationship to facts and truth, privileges the form and content of colonial knowledge. Since the latter presumes relations to power, the latter becomes intimately tied to such relations.

To address this problem, I have proposed that the *hijra* be studied, not as individuals, but as subject positions. This allows me to examine the *hijra* as a class that is historically constructed. Furthermore, in focusing on the constructedness of this group, I privilege a way of understanding History, not as an ontological field to which I somehow have access, but as a Real that is accessible only through texts and traces. This approach to History emphasises that the past is always related to the present.

Given this framework, it is important for me to explore how the *hijra* were understood by those in the colonial regime. That is, if academic representations owe their content and form to colonial constructions of knowledge, it would be prudent for me to investigate the latter. This is the topic of the next chapter.

# Chapter Four -- Colonial Representations

This chapter aims at illuminating and tracing the origins of the themes and associations that run through the academic literature that I introduced in the previous chapter. This is an essential step in this dissertation for two reasons. First, as a descriptive account of the various colonial depictions, this synopsis will position these illustrations in a fashion that will allow the various themes to emerge: sexual and gendered characteristics; occupation; religion; criminality; and the construction of a particular aesthetic, marked by representations of disgust, indecency, debauchery, and obscenity.

Second, besides simply presenting the key themes and associations in the various colonial constructions of the *hijra*, this chapter examines the contexts of these portrayals. It is through these representations that the subject position of the *hijra* functioned as a nodal point that anchored Empire. That is, it is through an examination of these colonial accounts that I can address my two-fold problematic of how sexuality and gender were used in the production of and transformations in Empire. Thus, these illustrations of the *hijra* must be understood in how they articulate the discursive architecture of Empire. In the background of my discussion of these accounts, however, is a concern with the production of colonial knowledge as it relates to governance, especially in the production of key categories through which the British enabled governance and how these reflect colonial self-legitimation; thus the representations of the *hijra* are sites in which the colonial nation-state is produced. This intersection of governance, knowledge, and colonial representations of the *hijra* points to my second problematic: how do these illustrations point to changes in Empire? These representations must be located within a temporal framework of the nineteenth century (with some references to the late eighteenth- and early twentieth-century periods) in order to appreciate and trace how these articulations changed over time. Through attention to these thematic and historical patterns, this chapter will set up the following analytic chapters; effectively, then, what follows is the foundation of the rest of this project.

The chapter is structured into two parts. Beginning with a discussion of the sources that I utilise in my analysis, with attention to the ways in which knowledge was constructed in these colonial texts, I will emphasise how these writings were involved in a complex relationship of knowledge and power. Second, I will provide a summary of the contents of these accounts, in order to extract the dominant themes.

### Knowledge and Power in Nineteenth-Century Colonial India

In order to acquire the British accounts of the *hijra*, I have explored three types of sources: published writings in or about South Asia; census publications; and legal and judicial documents. The main reason that I have chosen these sources is because they represent a relationship to knowledge that exemplifies Foucault's famous couplet of knowledge/power. That is to say, the representations that these reports depict are meant to be accurate descriptions of a group of people that objectively exist in the Indian cultural milieu. In this way, the South Asia in the British imaginary owed its content and form to such accounts; they were the authorities that translated the subcontinent for the British. Consequently, by ostensibly referring to 'truth', these forms of knowledge enact relations of power, especially in the discursive sites -- ones that I will examine as nodal points for the purpose of highlighting how the *hijra* were translated in the Imperial project -- that I discussed in a previous chapter: Cryptocrystalline Orientalism; ideology of 'Oriental' rule; suturing of gender regimes; the construction of masculinity; and the moral aesthetic. Even when these illustrations can be interpreted as exaggerations or, perhaps, tropes, they still exemplify an attempt to correctly identify real issues and/or concerns; they still maintain a relationship to knowledge. However, as I argued in the last chapter, this relationship is not simply one-sided; the representations do not merely stand for an attempt to construct knowledge, but also are an effect of knowledge[54]. A narrative of the *hijra* can only makes sense if one understands the forms of knowledge -- i.e., the conditions of possibility -- that make the portrayal intelligible.

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[54] In the words of Said, "texts can *create* not only knowledge but also the very reality they appear to describe" (94).

As constructions of knowledge, many scholars have argued that these sorts of representations articulate colonial relations. The relation between knowing and governing is so ubiquitous in scholarly accounts of colonialism (Dirks 1992; Ludden 1993; Prakash 1992, 1999; Pratt 1992; Said 1978; Viswanathan 1989), that Nicholas Dirks, in his preface to Bernard Cohn's influential piece (1996), states: "knowledge was what colonialism was all about" (ix). Specifically, knowledge, as Cohn (1996) argues, enabled governance in the colonial context through many forms. Generally, though, knowledge "enabled the British to classify, categorize, and bound the vast social world that was India so that it could be controlled" (Cohn 1996: 4-5).

The first set of texts that I draw upon is published accounts of the British in or about South Asia. As mentioned above, these books were written with the intention of revealing the truth about the Indian context. Such accounts consist of a variety of genres, including travelogues, amateur anthropology, academic (medical, anthropological, and historical) accounts, memoirs, professional manuals, gazetteers, census summaries, and religious summaries; their authors include government officials, employees of the East India Company, travelers, doctors, linguists, military personnel, anthropologists, artists, historians, and missionaries. Aside from the wide circulation and subsequent authoritative status, as is evident in the repeated citing of these various works, the relationship to knowledge that these books have is evident in the ways in which the authors refer to knowledge. In many manuscripts, the writer addresses the reasons that she or he wrote the text and, sometimes, within this context, mentions why such knowledge is important. In 1859, Geo Atkinson pronounced that the goal of his book was to dispel the myths surrounding India: "Allow me, then, to improve the occasion by a few sober words of exhortation, that I may dissipate at once and for ever some of those fallacious opinions and crude notions that you persist in entertaining regarding that land called 'India'" (first page of preface). Abbe Dubois (1818) echoes this comment, lamenting that there exists a lack of knowledge on Indians; of the accounts that do exist, the majority are "ill-informed and often contradictory narratives" (xii). Consequently, he wrote his *Description of the Character, Manners, and Customs of the People of India* as an attempt to resolve this problem and "to gain authentic information" (xv). This idea of bringing truth to light, in the face of inaccurate accounts of India is a reoccurring theme in these writings (Duff 1921[1826]; Elphinstone 1966[1842]). The authors of the writings, then, demand that their texts be taken up as authoritative reports of truth; that is, whether or not the author takes her or his statement of purpose as veritable, the assertion of intention points to the ways in which she or he wants the reader to take up the text.

Moreover, these accounts describe Indian 'reality' with a particular agenda in mind: that of colonial governance. As part of the colonial knowledge-project[55], they represented the British imagination, one that has been linked to colonialism by many historians and post-colonial scholars through the rubrics of science such as evolutionary anthropology, ethnography, cartography, topography, and phrenology, not to mention the ways of knowing that were privileged -- therefore silencing others -- under the empiricism of science. As Cohn (1996) maintains, knowledge was transformed into something that could be used by the colonial administration through various authoritative forms, including the ethnographies, historical treatises, and European general narratives that describe the 'natives'. This knowledge was present, even in texts that were framed as having the good of India as their goal. One of the best examples of this is Thomas Levin (1870), who asserted that the object of his book was to introduce English readers to a 'novelty'; that is, to introduce them to the "races and people of whom but little is known, and whose habits and customs have never before been seen" (1). Moreover, such an introduction was to serve to illustrate that such people, whom many call "wild and so-called barbarous races ... are very much the same as other people" (2). This project of emphasising similarity demonstrates, for the author, that human nature is the same all over the world. Having said this, he goes on: "It is, then, into the private life of these simple and primitive races that I venture to introduce my readers; to make them, if so it may be, partakers of wild hospitality, and intimate with the domestic society of men and women -- children of Nature" (3). Through this accentuation of similarity, Levin wants to represent the people of India as sisters and brothers -- albeit 'primitive' ones -- to the residents of England, in order to make a case for the imposition of something that he calls 'Civilization' onto the peoples of India.

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[55] I am using this reference not to point to the imposition of a pre-existing modern enlightenment knowledge-project to the colonial context, but, as I argue in the second chapter, to indicate how such a project and Empire were dialectically constitutive.

While representing the Indian Other as uncivilised -- a project that enables the colonial logic of bringing civilisation to "peoples in the lower stages of culture" (Crooke 1973[1907]: v) -- is a common motif in colonial writings, the call for social action to address such a state of barbarism -- often articulated in terms of perceived social evils such as the despotism of the Orient (see my discussion of Crystalline Orientalism in the second chapter) as an imagined source of degradation, *sati* (widow-burning), infanticide, the so-called institution of child-brides, throwing oneself under the wheels of massive chariots[56], the practice of swinging by hooks implanted in ones flesh, and other forms of self-mutilation, not to mention groups like the *thuggees* -- is also present. This can be seen in the famous six-volume opus of James Mill, originally published in 1817. In the preface to *The History of British India*, Mill asserts that the purpose of this history of India was to bring together all the knowledge of India, which was "requisite for attaining an adequate conception of that great scene of British action" (1). In a quotation that captures the constructedness of such knowledge, Mill argues that information on India was ubiquitous in its disorganisation and decentralisation:

> It was scattered in a great variety of repositories sometimes in considerable portions, often in very minute ones; sometimes by itself, often mixed up with subjects of a very different nature: and, even where information relating to India stood disjoined from other subjects, a small portion of what was useful lay commonly imbedded in a large mass of what was trifling and insignificant; and of a body of statements, given indiscriminately as matters of fact, ascertained by the senses, the far greater part was in general

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[56] Such references are to religious festivals at the Juggernaut (Jaganath) temple in Puri, in the area that is now Orissa.

> only matter of opinion, borrowed, in succession, by one set of Indian gentlemen from another. (i. 4)

Thus, his job, as he understood it, was to bring together all of this data into a single archive of knowledge on India, so that 'British action' -- i.e., colonial activity -- could be enabled.

Colonial control was implicit in the matter of some texts, especially as their stated goal was to educate the British in India on the ways of the natives. One of the best examples of this way of understanding colonial publications can be seen in handbooks. Robert Betham (1908) wrote a handbook on the subject of caste for officers in India. For him, the "aim in compiling this handbook, which is intended primarily for the instruction of young officers, has been to put into an easily accessible form as much information as possible concerning the history, customs, etc., of the men with whom they are serving" (the preface). Originally in 1898, Arthur Bingley's *Caste, Tribes and Culture of Rajputs* is also a handbook designed to enable authorities in the region to understand the people for whom they were responsible. This emphasis on governance is nowhere more evident than in John McCosh's (1856[1841]) *Advice to Officers in India*[57]. In the preface to this piece, he maintains that the guide is intended for "Military as well as Medical officers during their years of inexperience, ... and I have further ventured to throw out some hints for the consideration of Government, professional as well as extra professional, which may be found worthy of adoption" (vi-vii). In fact, this notion of knowledge as a prerequisite for governance is common through many of these colonial texts. Significantly, other than McCosh's -- who was a member of the Bengal army-- book, all of these handbooks were published by the Government. Such a practice was common because the British Government wished to understand those which they ruled. William Sleeman (1971[1844]) articulates the relationship between knowledge and the Government best, when he comments that his object was to: "prepare for submission to the Government of India, as fair and full a picture of the real state of the country, condition and feeling of the people of all classes, and character of the government under which they at present live" (51).

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[57] McCosh's ethnographical focus -- one that is present in several articles that he published in the *Journal of the Asiatic Society* in the first half of the 1800s (McKenzie 1987) -- is apparent in this book, with his categorisation of the Asiatic races.

From this overview, it is clear that enabling proper governance was a central theme in the reasons that various authors wrote their works. Similarly, the second category of sources that I use to trace discourses of the *hijra* is that of the censuses, sources that collected knowledge as part of what Foucault (1990[1976]) refers to as bio-power. Bio-power, or the "explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations" (140), denotes a historically emergent form of power that enabled the management of populations through constructing ways of knowing people; the control of bio-power is based on the organisation and management of life, rather than, as in other historically specific forms of power, death. Thus the classificatory project of the censuses is connected to a desire to rule. Several scholars have noted this relationship between the censuses and power (Bayly 1996; Cohn 1987; Haan 2005; Ludden 1993; Metcalf 1994). Arjun Appadurai (1993) captures this argument well, as he specifies "the precise and distinctive links between enumeration and classification in colonial India" (314). Specifically, he successfully demonstrates that:

> the exercise of bureaucratic power itself involved the colonial imagination and that in this imagination number played a crucial role. [His] general argument is that exoticization and enumeration were complicated strands of a single colonial project and that in their interaction lies a crucial part of the explanation of group violence and communal terror in contemporary India. (315)

The use of numbers in the colonial context was markedly different than the use of such in the British domestic context, as well as from the use of numbers by its predecessor states in India, such as the Mughals. Numbers became a mechanism of control, allowing the British to create "the sense of a controllable indigenous reality" (317).

One of the ways in which this control was realised was through the creation of social categories that necessitated hierarchies. As Bernard Cohn and Nicholas Dirks (1988) note, in the colonial context, the project of the censuses "participates in the constitution of social categories and identities (educated, uneducated, rich, poor, male, female, young, old), it marks off religions, languages, customs, and ethnic groups, and it implies various forms of hierarchies which are officially recognized" (226). As Cohn (1996) later observes, the desire to know as part of the desire to control the colonial context resulted in 'investigative modalities', which were created by the British to gather data. While these 'investigative modalities' -- "the definition of a body of information that is needed, the procedures by which appropriate knowledge is gathered, its ordering and classification, and then how it is transformed into usable forms such as published reports, statistical returns, histories, gazetteers, legal codes, and encyclopedias" (5) -- were many, I am most interested in Cohn's discussion of just one: 'the enumerative modality', which was a focus on numbers, especially in terms of the censuses, which entailed "the creation of social categories by which India was ordered for administrative purposes" (8).

The accumulation of knowledge that was embodied in the census-taking endeavour also posited a specific vision of the emerging colonial nation-state. As Cohn and Dirks (1988) assert, censuses produced a particular depiction of the social: "a teleologically constructed representation of society as autonomous and natural" (227). Such a portrayal situated the emerging Indian social order in the realm of the common sensical; that is; by characterising the social as 'autonomous and natural', the administrators of the censuses hid the constructedness of the characterisation, reducing, to a degree, the contestation of political control (Cohn 1996). The censuses, then, were not innocent depictions of colonial populations but, instead, were carefully constructed methods by which to structure the people of India in such a way that would make governance possible. As such, the censuses constructed truth-effects.

However, it would be a fallacy to represent the censuses as completely removed from the realm of coercion. There were laws in existence -- Act XVII of 1890 (*Indian Census Act* 1890) and Act No. X of 1900 (*Indian Census Act* 1900), for example -- that supported the censuses with disciplinary power. In order to make the censuses successful, according to the Indian Census Act, 1900 (*A*

*Collection of the Acts Passed by the Governor General of India in Council in the Year 1900*), the census-officers were, by legislation, appointed by the Local Government and were considered to be public servants "within the meaning of the Indian Penal Code" (72). Consequently, if anyone refuses to comply with such an officer, she or he "shall be deemed to have committed an offence under section 187 of the Indian Penal Code" (73), which is punishable by imprisonment. The census-officers also had the ability to make rules, albeit mostly in terms of appointing new officers and enumeration. The Indian Census Act also makes many types of people, from land-owners to members of *panchayats* (the local indigenous form of government), responsible to give assistance to such census-officers. Respondents are legally bound to answer census questions, unless it is to name a person whom they are "forbidden by custom to mention" (75). Finally, all persons must also allow census-officers access to their "house, enclosure, vessel or other place" (75), and to paint or place marks on their home.

Related to this last point, the third category of sources that I examine are legal in nature. References to judicial and legislative activity are useful for three main reasons. First, laws -- both in their execution and creation -- embody the ways of understanding of the judges, court officials and agents, legislators, and other related positions that construct and interpret the legal process. As Cohen (1996) phrases it, "[i]n India the British entered a new world that they tried to comprehend using their own forms of knowing and thinking" (4). Laws, then, represent ways in which the issues that they govern are made intelligible. Consequently, law under the British became "the most effective and most valued domain for the dispensation of the new truths of colonial rule" (Dirks 1992: 177). For instance, in an illustration that I will discuss in considerable detail later, laws that control eunuchs because they habitually engage in sodomy[58] reveal a discursive connection between castrati and anal intercourse. These linkages represent nodal points, where the invisible is linked to the visible in such a way as to articulate it in silence, through the state institution of the legal system. In this way, the letter of the law is important as a discursive apparatus, regardless of the application of such legislation. Second, through the operation of these legal works, ideologies become connected to coercion. In enforcing these laws, the state directly forced the population to accept and follow these legal edicts and, subsequently, the discourses articulated by them.

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[58] As in the colonial texts that I am investigating, I use this term to indicate anal intercourse between men.

Finally, the compelling nature of law is not just that they are enforced; legal codes are normative. In the words of Foucault (1990[1976]): "the law operates more and more as a norm, and that the judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory" (144). In other words, coercion is not necessary for laws to be taken up as authoritative. Instead, the laws serve to discursively construct a normative framework through their connection to the other institutions of power.

## British Representations of the *Hijra*

Before I provide an overview of the British representations of the *hijra*, I want to discuss the problematic notion of 'British'. What does it mean for an account to be 'British'? Is it enough for the author to be born in the nation-state of Britain? Since I am interested in British narratives insofar as they are connected to the Imperial -- conceived of as a discursive architecture -- project, it is the relationship between these descriptions and such an endeavour that I wish to capture. Thus, the national origins of the writers are only of partial interest to me. I am far more concerned with how these texts represent the discourses that make up Empire. Consequently, even stories and portrayals of the *hijra* written by non-English authors are relevant for my project, insofar as they are involved in the dialectical process of representing/creating meaning.

The following section traces how these three types of sources represent the *hijra*. The pattern that emerges from these accounts can be roughly divided into two: pre-1850 and post-1850. The first instances of these accounts consisted largely of the accounts of non-British travellers. These were incidental references, but they reveal a concern with the hermaphroditism and subsequent state control. However, after the British began to travel through India in more numbers, more accounts of the *hijra* were written. Between the years of 1780 and 1850, the fascination with the *hijra* as hermaphrodites grew; however, the preoccupation with state control was largely absent. Also, *qua* eunuchs, they were increasingly associated with the harems of Islam. In addition, they were depicted as feminine cross-dressers who were represented as vile and disgusting, although they were accepted to a degree as an authentic part of the cultural landscape. Furthermore, while they were portrayed as a religious class by some, this was not the predominant representation. Significantly, the accounts by those prior to 1850 are written mostly by employees of the East India Company, travelers, and missionaries.

By the 1850s, the accounts of the *hijra* reveal a different set of concerns. First, they were generally written by academic (historical, medical, and anthropological) authorities and government officials; these authors reveal a larger institutional concern with the *hijra*. Second, the accounts themselves indicate a change in how the *hijra* are portrayed. These depictions tell of an increased preoccupation with the *hijra* as a legal concern, especially in terms of inheritance, sodomy, castration, extortion, and trafficking in children. Moreover, given that this fixation with the *hijra* and law was often articulated in the context of concerns on the role of the government in eliminating this class of persons, this post-1850 period saw the *hijra* as representing the rising concern with immorality as an issue for governance. In fact, by 1871, the anxiety around governing the *hijra* was manifest in various government-sponsored/ordered knowledge-gaining projects, such as the census and gazetteers, which demonstrated an increased concern with categorising the *hijra*. In addition, the post-1850 era was separated from that which preceded it by an increased medical attention to the *hijra*, as well as an increased differentiation between harem eunuchs and the *hijra*.

### ***Pre-British Representations***

Before the British gained political power in India, there were several references to eunuchs in various historical works (*'Ain-I-Akbari*; *Tuzuk-I-Jahangiri*) and travel logs (Bernier 1989; Foster 1999[1921]; Fryer 1909; Manrique 1927; Manucci 1709; Pelsaert 2001[1925]; Polo 1948; Roe 1926[1899];

Terry 1777[1655]). However, all of these references are to harem-bound eunuchs, and not to any that might be considered equivalent to those who we now refer to as the *hijra*.

There exist two examples, though, of figures of possible eunuchs that have depictions similar to that of the *hijra* in the writings of French travellers. In 1687, Jean de Thevenot (1971[1687]), a traveller and linguist, records the first such illustration in Surat. In writing about the marriage of the Surat's governor's daughter, he notes:

> There were a great many Dancers, Tumblers, and players at sleight of Hand in the open places; but they acted nothing, as I could see, but what was dull, and yet I was advantageously placed in Windows to examin their play, being desirous to see, if what was told of their dexterity was true; but Opinion of the Indian Dances, if I had not met with nimbler afterwards in my Travels there.
>
> The first time I saw Hermaphrodites was there. It was easie to distinguish them, for seeing here is a great number in that Town, and all over the *Indies*, I was enform'd before hand, that for a mark to know them by, they were oblig'd under pain of Correction, to wear upon their Heads a Turban like Men, though they go in the habit of Women. (23)

This passage not only links this mysterious 'Hermaphrodite' to the profession of entertainment, but it connects them to wearing non-(or perhaps multiple-)gendered clothes styles. Furthermore, this style of clothes is designed to designate the 'Hermaphrodites' from others. If they are to deviate from this fashion, the author predicts that there would be dire consequences. While these characters do seem to be different from the court eunuchs, Kishori Lal (1988) identifies them with the eunuchs of the Muslim harems.

Reminiscent of this account, Souchu de Rennefort (1698), in 1688, observed a similar group: "I don't know any place where Hermaphrodites are more common, than at *Suratte*, they are obliged to wear besides their Female Dress, a Turbant, for distinction's sake" (25-26). Not only is the dress code similar to Thevenot, but the people are still referred to as 'Hermaphrodites'. Of course, he hints that such people are 'obliged' to wear this fashion, implying the same coercion to which Thevenot referred. Later, in 1750, Georges Arnaud de Ronsil, drew on Rennefort's depictions, noting:

> We read in history of the cruelties which were formerly exercised in some parts of the India's upon hermaphrodites, who, from being very numerous, were employed in works, to which in Europe we put our horses. M. de Rennefort says, that at Surat there are still many people of that species, who with the dress of a woman are obliged to wear the turban, to publish to the world that they have the advantage of both sexes. (23)

Arnaud de Ronsil's interest in this case was to further a discussion on Hermaphrodites.

### ***British Representations between 1780 and 1850***

With the onset of the eighteenth-century, the British began to travel to India in greater numbers. Consequently, it is in this century that we find the first representations of those who one might call *hijra*. The first such account is supplied by James Forbes (1988[1813]), an artist, adventurer and officer of the British East India Company. The description[59] was made about 1780. He wrote:

> Among the followers of an oriental camp, at least of the Mahratta camp to which we were attached, I must not omit the hermaphrodites; there were a great number of them in the different bazars, and I believe all in the capacity of cooks. In mentioning these singular people, I am aware I tread on tender ground; I cannot solve doubts and difficulties, nor shall I enter into particulars respecting them. There were a considerable number of human beings called hermaphrodites in the camp, who were compelled, by way of distinguishing them from other castes, to wear the habit of a female, and the turban of a man. I was called into a private tent, to a meeting between the surgeon-major and several medical gentlemen of the army, to examine some of these people: my visit was short, and objects disgusting. (ii. 62)

Forbes portrayal of these people sounds quite similar to the previously mentioned ones of the French travellers. However, this is not surprising. In discussing these 'hermaphrodites', he demonstrates his reliance on earlier accounts of the region by quoting the same passage referred to above from Thevenot's observations, a writer who he describes as "an author of great veracity" (ii. 62). In addition, though, he describes this class of person as 'disgusting', evoking a moral aesthetic.

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[59] The account was present in a publication of various letters that he wrote while in India. While he states that he published the letters as a result of others printed his descriptions without giving him credit, he also states that part of the reason was his involvement in the knowledge project of empire: "...I do declare my desire is, to shew my diligence in collecting, and sincerity in compiling, what may make the road more easy to the next adventurers, and satisfy the present inquirers" (xiii).

The first English reference to a group under the name of *hijra* is provided in an English 1789 translation of the Persian text, *The Seir Mutaqherin* (1986[1926]). This book was written in 1780 by Seid Gholam Hossien Khan who, with his father, resided at the Court of the Nawabs of what is now Bengal, Bihar, and Orissa. The translator was M. Raymond, a French Creole, who assumed a Muslim name, Hajee Mastapha, and published this work in 1789 under the pseudonym of *Nota Manus*. Given this background, it might be questionable to state that the author's writing is an example of a British narrative. Yet, the translator rendered this piece into English, sent copies to England only, and, in the preface, stated they did not have the "honor to be born and [*sic*] Englishman" (1). For this reason, I consider this one of the first references to the *hijra* as such.

In this book, there are many references to eunuchs in the courts or in charge of the seraglios of nobility. However, Khan refers to "the Hermaphrodite Mahmud" (161) as an attendee at the Royal Court, one of "a number of facetious persons and other *bonmots* people" (161). The translator commented on this passage, saying:

> He was introduced to the hall, not as a curiosity of the Hermaphrodite kind (for the species is so common in India, as to pass totally unnoticed), but only as a cracker of jokes and sarcasm. There are three sorts of men who bear the name of *Hedjra* or Hermaphrodites in India; those that are naturally so, having the two sexes full and distinct, one over the other, or one within the other; or only in part; or a confused medley of both. This is the first class. The second, called *Hedjra* likewise, and also Zenana, or feminine, are a species of young men *born* impotent, with tall slender bodies, and beardless face; and although one would think that such a condition has nothing attracting in itself, yet are there people (and such is the depravity of mankind!) that force themselves into it, and bring themselves under the domination of *Hedjras* by art; this being the third class. These are young men that assimilate themselves to that deplorable appearance, or have been emasculated by there [*sic*] unnatural parents; and this is done, by twisting and wringing and tormenting the part several times a day, in a course of several months or years. All these (who would

> believe it?) have female inclinations; wear a female dress; and there is at Lucknow a whole lane inhabited by those wretches -- and this is all that decence allows me to say on that head. (footnote 160-161)

In this piece, the translator depicts the *hijra* as hermaphrodites, impotent men, and eunuchs who are feminine in manners and dress. Alas, in a style that is characteristic of the time, Raymond does not articulate the activities of the *hijra* along the lane in Lucknow. Whereas Raymond is the first whom I have found to use the term *hijra* in English texts, it seems that it well predates the usage of the term in Sanskrit. According to Sukumar Sen (1971), the first textual reference to the *hijra* was made in *Karunanidhhanavilasa* by Jaynarayan Goshal, completed in 1813. In this text, the Persian word '*hijra*' -- which the author compares to the Persian *hiz*, which refers to "an infamous boy" (928), for the purpose of etymology -- was rendered to mean 'eunuch'.

Around the same time, John Gilchrist (1787-1790) also used the term *hijra* in an English piece. In his dictionary[60] that brought into English the three languages of Hindustani (which became Hindi), Arabic, and Persian, the author interprets the word 'eunuch' in terms of *khoju* and *heejra*. The former is usually used in Persian to denote a eunuch who works in the harem and the courts of nobility. The latter, though, with the '*zunanu*' (or *zenana*) is "a species of eunuchs" (i. 304). The *zunanu* is defined in terms of effeminacy (i. 283) and finicality (i. 340), not to mention being associated with a 'milk-sop' (ii. 550) and a 'seraglio' (ii. 798), as well as being 'smooth-faced' (ii. 836) and 'womanish' (ii. 1020). While the association with the *zenana* -- a term that also designates the 'women's apartments' of the seraglio -- was present in Raymond's depiction, Gilchrist connects it explicitly with femininity. In two later pieces, Gilchrist furthers these connections. In 1798, he published the *The Oriental Linguist, an Easy and Familiar Introduction to the Popular Language of Hindoostan*. In this dictionary, he continues to translate eunuch as "khoju, khwaju sura, heejra, zunanu" (16), as well as the term '*khoju*' as being one that refers to the verb, 'to geld' (84). However, in his 1800 book, *The Anti-Jargonist*, he links the *hijra* to hermaphrodites. In rendering 'hermaphrodite' into the Hindustani, he invokes the terms "hijra, mookhunnus[61], and napoonsuk[62]" (36). Consequently, '*hijra*' was thought to denote being a "eunuch, hermaphrodite" (140). The *zenana* continued to be thought of as related to the "seraglio, feminine, eunuch" (216).

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[60] According to Cohn (1996), Gilchrist's dictionaries embodied the connection between knowledge and power, since they were meant to enable colonial relations with "servants and other inferiors" (xiv).

Making one of the first references to eunuchs in the context of religion, Thomas Maurice provides a relevant comment. In his book, *Indian Antiquities*[63] (1793-94), the author touches on eunuch-priests in India. First, he asserts that the Syrian, Lucian of Samosata, made the argument that there were "unmanly priests ... indecently arraying themselves in female attire, submitting to the degradation of the emasculating knife, and sacrificed to their protectress, not the symbolical, but the real, Phallus" (150-151). Second, Maurice posits that these practices in Syria must be connected to those in Greece, "since the very same species of worship, and use of the same instruments [cymbals], have immemorially prevailed in India" (152). This passage, however brief, is important because it is a textual reference to something represented in several eighteenth- and nineteenth-century paintings. Indra Sinha (1993), in his *The Great Book of Tantra*: *Translations and Images from the Classic Indian Texts with Commentary*, provides many examples of this art, often depicting a Goddess, most often Kali, surrounded by penes and, in one excellent example, what Sinha believes to be a Goddess being "served by attendants who appear to be eunuchs" (44). He asserts that these paintings point to a relationship between the eunuch-priests of Syria, Phrygia, and, through the *galli*[64], Greece and Rome.

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[61] According to Murray and Roscoe (1997), this Arabic term, *mukhannathun*, which previously referred to men who wish to resemble women in 9th-century Islam, by the 9th or 10th century, came to designate a sexually receptive man; "In the 'Abbasid and later periods, mukhannathun were assumed to desire being penetrated (i.e., to be baghgha'un), while continuing to display many of the distinctive traits for which they were known in the Umayyad period, such as wit and flippancy, association with music and certain musical instruments, activity as go-betweens, and (sometimes) cross-dressing" (305). However, Rowson (1991) argues that the term did not refer to what we would now call 'passive homosexuality', but an effeminate man.

[62] This Sanskrit term will be discussed in detail in the next chapter. Suffice for now to state that, according to Zwilling and Sweet (2000), while the word originally referred to animals sacrifice victims, it eventually became a "technical term for the third grammatical gender, and for the third sex as well" (102).

[63] From his dedication, it is clear that the author understood the project that this book embodied as being one of jurisprudence, with the intended audience being various figures of the judicature. That is, in the context of understanding the Indian legal system by Europeans judges, Maurice's work is "an express treatise on the ancient government and legal institutions of that mighty empire" (dedication).

While the visual representation of the *hijra* might be linked to these religious paintings, it is explicitly present in the art of the Belgian, Francois Balthazar Solvyns. Although not British, the artist was commissioned to complete many of his paintings by William Jones, progenitor of the Asiatic Society (Hardgrove & Slawek 1988)[65]. In addition, his first book (1807)[66] was published in England, by publisher William Orme. Insofar as he "approached his task as an ethnographer, drawing his subjects from life and with more concern for accuracy than aesthetics" (Hardgrove & Slawek 1988: 2), so that the inhabitants might be 'perfectly known' by Europeans, his accounts would be useful to examine in the context of this project. Based on the etchings from his 1798 and 1799 trip to India, Solvyns records the *hijra* in his *The Costume of Indostan* (1807) and, again, later, in his *Les Hindous* (1810). In the former, he provides a useful description of the 'Hidgra, or Hermaphrodite':

> These extraordinary beings are frequently met with in India; they inherit, from the sport of nature in her most capricious humour, the capability of plural enjoyments; but it does not appear that any of them are endowed with procreative faculties. Indeed, we have the authority of the great Mr. Hunter for supposing that there can be no perfect beings of this kind in existence. (Plate 39)

Like previous representations, Solvyns depicts the *hijra* as ubiquitous and having both sexes (or, in the author's words, 'the capability of plural enjoyments'). However, he questions whether they are 'perfect'[67] hermaphrodites and, indeed, whether they have the ability to reproduce at all. In his second book, Solyvns (1810) portrays the *hijras* as hermaphrodites who dance. Yet, their dancing is not one that he praises, but, instead, is one that he uses as an example of how the formerly respectable form of entertainment has degenerated. Furthermore, they sing at marriage festivities, accompanied by bands of musicians, and play the *Munjeerah*, or a musical instrument similar to castanets. Moreover, he provides an interesting summary of the *hijra*:

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[64] Another interesting link between the *galli* and the *hijra* is that *galli* is Latin for 'rooster' (Kuefler 2001) and the Goddess who is worshipped by the *hijra* has a rooster as her mount. To my knowledge, the relationship between these two articulations of the cock has not been satisfactorily explored.

[65] Yet, there is little evidence that Jones had actually commissioned Solvyns (Hardgrave 2004).

[66] This book, *The Costume of Indostan*, was explicitly targeted for both a general audience and one that has "those Gentlemen who have resided in India" (preface) as its members. In fact, he asserts that there is no one who could not receive 'information or amusement' from his accounts.

[67] A 'perfect' hermaphrodite is one that has both complete male and female procreative organs.

> HERMAPHRODITE: It is doing justice to this vile class of beings, to place them as I do here among the commonest women, whose dress even they affect to adopt. Nothing, I think, can inspire a stronger aversion for idolatry in its moral effects, than the picture of the wretches whom I am about to describe. Could it be believed, that there is a country in the world which tolerates a set of men, whose whole life is an outrage to morality and common decency, by the ostentatious display which they continually make of the privation of the marks of their sex? This is the case in Hindoostan. Some Hindoos believe that they are really born in this state; but it is very certain that it is inflicted on themselves, as a means of subsistence for them and their children; for these *Hijdgras* (so these mutilated men are called) infest as vagabonds the streets and bazars, soliciting the charity of the passengers: and when they meet an European, they never fail to discover this claim to his commiseration. When they hear of the birth of a child in a family, they come and sing at the door, for which they expect their pay: if it is refused they endeavour to be revenged, and in a singular way; they climb to the roof of the house, and make water upon it. Not a Hindoo but is persuaded that this vengeance is never without its effect, that is, the speedy death of the new born child. This vindictive spirit has made them feared in some places: but their abominable depravity has caused them to be every where despised. Their debauchery is carried to that degree, that they meet together and offer themselves in the public houses of prostitution. (Plate 2.3.4)

Evident in this depiction is reference to castration, performing for alms, and sodomy. However, the reference to their vindictive character -- foreshadowed in Solyvns earlier representation in his use of the term ‘capricious’ -- and to their familial states is relatively new. Indeed, this is one of the first references to the pathologising of the *hijra*; he characterised them as psychologically abnormal. This shift in representation would become an important aspect of the way in which the *hijra* would later come to be portrayed. Moreover, Solyvns evokes what will become a complicated theme: the role of the *hijra* as a point that links the 'aversion' to idolatry (i.e., Hindusim) and the castration as a consequence of such a 'moral effect'. This reoccurring theme associates the *hijra* with qualities of South India that the colonialists experienced as immoral and/or disgusting, and points to what I have called Cryptocrystalline Orientalism and the moral aesthetic in the second chapter.

Continuing the representations of the *hijra* by Europeans, the French missionary, Abbe Jean Antoine Dubois, noted a group of cross-dressing prostitutes that might have been *hijra*. Originally written in 1806, and translated into English and published in 1815, *Hindu Manners, Customs, and Ceremonies* (1906[1897])[68] is a revised version of his popular work, *Description of the Character, Manners, and Customs of the People of India* (1818), which was sent to presses before Dubois could submit his changes. Dubois was a figure that had great influence on the British; in fact, the French manuscript had been purchased by the East India Company. Indeed, when he left India, he received a special pension from the East India Company. Accordingly, his accounts are significant for my project. In this text, he observed:

> The facility with which the Hindu can gratify his passions in a natural manner in a country where courtesans abound renders these disgusting practices less common; but it by no means prevents them altogether. In the larger towns in India there are generally houses to be found given over to this odious form of vice. One sometimes meets in the streets the degraded beings who adopt this infamous profession. They dress like women, let their hair grow in the same way, pluck out the hair on their faces, and copy the walk, gestures, manner of speaking, tone of voice, demeanour, and affectations of prostitutes. Other secret crimes are also carried on in India, and especially among the Mahomedans; but decency will not allow me to speak of them. They are the same as those which are mentioned in the Bible (Leviticus XVIII and XX), and which brought sown such terrible punishments on the inhabitants of Canaan who had been guilty of them. (311-312)

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[68] In the preface to this book, Dubois acknowledges that his intended audience is a popular one, and that his goal is to participate in the project of gathering knowledge on India, "for future savants who may undertake a complete and methodological treatise on the people of India" (3).

The author further confirmed these practices with a *brahmin*. Such a depiction points to a transvestite group of effeminate male sodomites who prostitute themselves.

In the following couple of decades, more references to the *hijra* emerge, especially in the context of law. One Circular Order -- a document communicating various issues to the region controlled by the British -- from the criminal court in 1817 and two court cases, one in 1820 and the other in 1827, make mention of the *hijra*. The first referred to a case of castration, in which two men were accused of emasculating a child (Cheap 1846[1817]). In the first court case, in 1820, Amanee, a eunuch habituated with burglary, was convicted of sodomy (Macnaughten 1827). While these two examples did not refer to the *hijra* specifically, the last one did. A *hijra* was accused of killing a man, Nundoo Heejra, when the former castrated the latter (Macnaughten 1827). In the text of the case, however, one judge stated that he thought the accused should be found innocent, because the operation that he performed "was not unusual among hermaphrodites" (Macnaughten 1827: iii. 17).

In the same period, another book referred to a group that could be linked to the *hijra*. In 1827, Arthur Steele's *Summary of the Law and Custom of Hindoo* was published[69]. As an appendix to this work, John Warden wrote an essay, entitled: 'On the customs of Gosawees or Gosaeens', which discusses the *Gosawunees*, a sect within Hinduism that practiced austerities. In it, the author notes that "The Gosawunees unite in their persons, in token of the perfect oblivion of sex, costume of both male and female, they wear the Turban, the Ungar or long robe reaching from the neck to the knees, and the Dhotee" (67). A footnote to this, though, proves interesting:

> In illustration of this, it may be observed that the lusus naturae, best known by the designation of Hermaphrodite, wears the female saree and the male, Ungreka. These persons whether born of the highest or the lowest caste are outcast from their birth: and considered the vilest and most polluted of beings; they live upon the alms which they exact from the Brahmin at whose door they

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[69] One reason that Steele stated that he completed this book was to illuminate the legal codes of the 'natives', to better allow them to be governed.

> press their request, and who is willing to purchase their absence at any price. Their condition is supposed to be induced by the debauchery committed by them on Earth before the transmigration of their soul. (67)

The term 'lusus naturae', often used in the context of hermaphrodites, points to the opinion that the subject is in violation of nature (see Arnaud de Ronsil 1750). Suffering from extreme devaluation, these people beg for alms. Like Dubois, Warden links the immorality of these hermaphrodites to religion.

In 1829, another interesting reference emerged. Alexander Burnes, traveller and one-time member of the East India Company's army, submitted a manuscript[70] to the Royal Asiatic Society, but was rejected. While the influence of the article ended there, it is still an informative piece. Entitled, 'Eunuchs or Pawyus of Cutch', this text describes a group of eunuchs called *pawyus*, who are depicted as eunuchs who dress as women, engage in sodomy, and belong to a religious order. While they are Muslims and not Hindus, they do not allow low caste members into their ranks. Also, they show their castration marks in order to gain their 'annual allowance', due them because of religious duty, from each family. Although the author disapproves of the practice, he points to the fact that this group is tolerated in Indian society because they are 'natural' hermaphrodites. Such an acceptance calls into question, for the author, the very morality of the Indian populace. Within this context, Burnes decries the social reformists who critique the institution of infanticide, claiming that, instead, they should take on this evil as their target.

While the imperial censuses did not take place officially until 1871, there were several smaller-scale censuses. One such census occurred in Benares in the early 1830s, led by James Prinsep (1832), a noted Orientalist who, at one time, headed the Asiatic Society of Bengal. In this census, the author mentions the *hijra*, although he represents them as an elusive group. After asking around while conducting the census, Prinsep was able to deduce that there were 50 of these individuals. He not only labelled them as Muslim, but noted that were eunuchs. Furthermore, for sustenance, these eunuchs received alms at births.

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[70] British Library (hereafter B. L.): Mss Eur K396-97. Burnes, Alexander. (September 5, 1829). *Eunuchs or Pawyus of Cutch*. Unpublished Manuscript.

The next reference to the *hijra* came fairly soon after Prinsep's. In 1833, Graves Haughton, in his Bengali-Sanskrit-English Dictionary, translated the term *hijra*. This important dictionary was one that was written under order of the British East India Company, "for the use of their servants in the East" (1987[1833]: v). Asserting that the word was a Hindustani one, he interpreted it in a way much like Gilchrist had over 30 years previous: *hijra* referred to both a hermaphrodite and a eunuch.

In the 1840s, a curious and significant referent to the *hijra* was published. In *The Lancet*, an article was printed in 1843, under the title: 'Female eunuchs in India':

> EVERY one knows the cruel acts to which Oriental jealousy has given rise with respect to the male attendants on the harems of the great; but few, perhaps, are aware that in India even women are subject to a process, not of emasculation, but (if we may coin a word) *efemination*. Dr. Roberts, the author of a memoir of a journey from Delhi to Bombay, says that near Feridabad he was met by an eunuch fakir and three singing girls, the latter of whom executed several dances, accompanying them by their voices. The lofty stature, harsh voices, and bold masculine movements of the damsels so terrified the worthy doctor, that he at first thought them to be Thugs in disguise; but when he had ascertained their true sex, curiosity overcame his terrors, and, by dint of a little persuasion and sundry rupees, he prevailed on the ladies to visit him at his tent, and exhibit their physical peculiarities. They appeared to have no development either of the larynx or nipples; the vaginal orifice was obliterated without even the trace of a scar, while the meatus urinarius, on the contrary, was salient and exposed; there was no mons veneris, and, in facts a complete atrophy of the cellular tissue, not only in the genital but other parts also of the body, and no hair whatever on the parts usually so covered, the buttocks and thighs were not more spread than in the male; there was no trace of, or substitute for, the menstrual discharge; nor had the individuals any venereal desires. Large, robust, and muscular, they enjoyed excellent health, being about twenty-five years old, and their chief occupation was that of itinerating the villages, dancing, singing, and circumcising the male infants of the native population. They had no recollection of having undergone any operation, nor could Dr. Doherty find any indications whereby to judge of the manner

> in which they had been unsexed; but they said (what he knew not himself and could not ascertain from others) that many females similarly situated were to be found at Delhi and Agra. An old Brahmin, at Indore, in Malwah, afterwards told Dr. R. that these women, called *hedgirahs*, are punctured in the ovaries with needles, dipped in the green fruity juice of the tree called *bhel-poul*. (262)

This article refers to a book written by a French doctor, G. Roberts, called *Fragments d'un Voyage dans les Provinces Interieures de L'Inde en 1841* (1843). Thomas Laqueur (1990) notes that Roberts' reference was ubiquitous in writings on the ovaries in the mid-nineteenth century, since it was mentioned by Edward Tilt[71] (1851), Theodor von Bischoff, and L. Hermann's *Handbuch der Physiologie*, the last of which was an "authoritative German handbook" (179). In the article in *The Lancet*, the *hijra* are represented as entertainers, performing at births. Because of the native informant, the doctor records that these castrated people were women, and not men. In a later edition of *The Lancet* (1843), under the title 'Supposed female eunuchs', one writer, in a letter to the editor, attempted to make a correction to the previous article. This writer asserts that Dr. Roberts was misinformed and that the *hijras* were not 'female eunuchs', but were entirely emasculated males. This is based on evidence attained through an inmate in an Agra prison, who had been arrested for attempting to complete the same operation -- castration -- on a young boy.

Roberts' account is significant for more than the representation of *hijra* -- which he purports is an Urdu word that indicates both eunuchs and hermaphrodites -- as performers and castrators of children. First, he links these female eunuchs to the harems, asserting that they helped the male slave eunuchs guard the women. However, while Muslims utilised male eunuchs in their harems, it is Hindus who institutionalised female eunuchs for their harems. Second, Roberts differentiates the *hijras* from two other types of eunuchs. The *Fakir*, he asserts, is a male worshipper of Lord Krishna who, in order to fulfill a vow of chastity, becomes a eunuch. The figure of the *Fakir* is described as thin, weak, and had a feminine voice[72], which contrasted strikingly well with the 'hedjera', who is portrayed as robust, quite muscular, and enjoyed good health. Also, there is another type of eunuch, which he witnessed in Laknau (or what is commonly referred to as Lucknow), who had the testicles removed, but had left the atrophied penis. These eunuchs, he maintains, were beardless, fatty, and large; but they had also the childish voice. Third, he notes that, of the many English officers and doctors of the East India Company, no others were familiar with this group. Finally, as well as performing, the *hijras* predicted the future. Thus, Roberts provides an account of the *hijra* that continued to envision the *hijra* in terms of religion and harems, but, unlike others, contrasted them with other eunuch groups based on physical characteristics.

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[71] According to Edward Tilt, in his *On Diseases of Menstruation and Ovarian Inflammation* (1851), Roberts' book refers to some "very curious details" (footnote, xxxi).

### ***Representations after the 1850s***

The 1850s represent a distinct shift in the representation of the *hijra*. While the accounts of the period that preceded 1850 understood the *hijra* as hermaphrodites, harem eunuchs, and feminine transvestites who were described as vile and disgusting, while, at the same time, being accepted, the time after 1850 saw very different concerns arise. Not only were the British far more interested in the *hijra*, but this interest was directly linked to colonial governance. The relative acceptance with which they were seen was replaced by an anxiety over their immoralities, which demanded, in the works of the British writers, state involvement. This can also be seen in the change in the nature of the authors between the two periods. While the pre-1850 writings were penned by those who were either travelling through/in India or who had been hired by the East India Company for their services, the writers in the following period were mostly academic authorities and government officials. This shift in authorship reveals that the *hijra* were increasingly being viewed as a political issue; that is, they were more and more understood as a problem that required state involvement.

In the 1850s, a great deal of interest arose in the *hijras* in the context of law. Beginning in 1852, several notable court cases took place that forced the *hijra* -- *qua* eunuchs -- into the mind of the legislators. In one case (*Decisions of*

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[72] These qualities were attributed to their abstinence, rather than to the castration process.

*the Nizamut Adawlut, North-Western Provinces* 1853), for instance, H. Unwin, Sessions Judge of Mynpooree on the 8th October 1852, stated:

> The sickening details of this case involve the disgusting exposure of an abominable trade of unnatural prostitution regularly carried on by eunuchs dressed as women, whom they resemble also in shape, with vested rights to contributions at weddings, &c. in certain villages allotted to one or more of them under a sort of acknowledged internal government. (1314)

So shocked were the court officials by this group, that they commissioned the Magistrate's Assistant, F. C. Forbes, to prepare a report on this group. Unfortunately, the report was destroyed during the 1857 revolution[73].

While several legal cases emerged in this decade, one piece of legislation was created that put the *hijra* further under the gaze of colonial law. Act No. XI of 1852 outlined rules pertaining to *inams*, or grants of land that are to be held without rent, in the Bombay Presidency. In Provision 2 of Rule 2 of Schedule B, which determined who could hold *inams*, the Act stated that "that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency"[74]. This clause was relevant for the *hijras*. The *hijras*, as *inamdars*, or holders of *inams*, were suddenly denied inheritance to their *inams* because they were considered immoral. The immorality of which they were accused, as a letter from John Nugent Rose, Collector of Sattara, to C. E. Fraser Tytler, Officiating Secretary to the Bombay Government[75], makes clear, is a result of the extortion with which they engage. That is, it is not because they engage in sodomy and prostitution that the *hijra* were denied *inams* under this act, but because they used means that the British did not agree with to get encourage others to give them alms.

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[73] National Archive of India (hereafter N.A.I.): Home Department, Judicial Branch, 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Report from the Secretary, E. C. Bayley to the Government of Bengal (8th May 1865).

[74] Pune Archives (hereafter P.A.): XIV; 8/97. Act No. XI of 1852 -- An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.

[75] P.A.: XIII; 1040/75. Letter from J. N. Rose, Collector of Sattara, to C. E. Fraser Tytler, Officiating Secretary to Government, Bombay (28th November 1854).

As the 1843 reference to Dr. Roberts indicates, there was also a growing interest in the *hijra* from a medical perspective. This is captured in the 1852, *Thirty-five Years in the East*, by John Honigberger. In this text, the medical doctor notes: "At Lahore, I had the opportunity of seeing several hermaphrodites, who enjoyed the privilege of being admitted to all births and nuptial festivals, to congratulate the parties and get presents, this being, in fact, their sole means of subsistence" (153). The context of this passage, though, is not a concern with the hermaphrodites, but with the privileging of male offspring, whose births are celebrated and attended by such hermaphrodites, over female ones.

In tracking the various themes that are present in the accounts of the *hijra*, a second medical text, written by Norman Chevers, emerges as important. In his *A Manual of Medical Jurisprudence for India* (1870), originally published in 1854, he makes comments designed to inform Western practitioners of medicine on how they should go about their occupation in India. He refers to eunuchs and hermaphrodites in some general ways. He links eunuchs to Islam through the slave trade, arguing that the Muslims used non-Muslim shrines and 'religious ceremonies' in the castration process. Furthermore, based on the various court cases resulting from the deaths from castration, Chevers calls for the registration of all eunuchs. Interestingly, he does not speak out against *owning* eunuchs, but for making it illegal to own nonregistered eunuchs. In addition, he mentions that there is a reference to a group of 'Hermaphrodites' gaining access to births and weddings and receiving money. Finally, the terms *Hermaphrodite*, *Hijrah*, and *Khoja* are used, at times, interchangeably.

Chevers, though, also writes some sections that deal specifically with the *hijra*. In one such passage, he records extracts from a deposition of Khurrugjeet, a eunuch or '*Hijrah*' also known as Pyuzoo, on the 7th March 1853. Noting that he was employed as a dancer, Chevers spends much time describing the operation by which Khurrugjeet became a eunuch. Throughout his discussion of the *hijras*, Chevers depicts them in terms of being clothed in the garb of females, dancing, and engaging in anal intercourse. He also provides an account of three different types of eunuchs, with only the last two referring to the *hijra*: one is born as such;

one is made by cutting off the penis and testicles at the root; and the last is castrated by severing half of the penis only. At another point in his narrative, Chevers, drawing on a Dr. Macpherson's observations, separates eunuchs in a different way: *Khojas* are the eunuchs in harems, who wear men's clothes and live a reproachless life, while '*Hijeras*' are the dancing sodomites who wear women's clothes. The *hijras* also purchase slaves to make into eunuchs, often from groups such as the *Thuggees*, since they cannot risk stealing the victims themselves. In this vein, he claims that: "Men who are fond of dancing willingly get themselves made eunuchs. The parents never willingly permit or suffer them to be made eunuchs. They, by their own desire, make themselves so, and no stolen boys, but purchased ones, are made eunuchs" (497). Finally, he provides a case in which a 'native informant' asserts that the *hijra* use intoxicating drugs, opium, gunja, and the like. The *hijra*, thus, are characterised in the writings of Chevers as particularly immoral.

One year later, in 1855, two more writers wrote of the *hijra*. Henry Ebden, in his article, 'A few notes, with reference to "The Eunuchs," to be found in the large households of the state of Rajpootana' (1855)[76], records that in the wealthy houses in India, there are many eunuchs. In this article, the author endeavours to illuminate some points and peculiarities -- "which are likely to prove of interest and use to medical men in India" (520) -- of the habits of these 'unfortunate' people. Ebden, through his examination of five case studies, asserts that castration is linked to religion; the reason that people decided to undergo emasculation was to avoid seven more rebirths, a belief that was held by both impotent men and those who associated with Eunuchs. He further links this group of eunuchs with sodomy, cross-dressing, bardic performances, sexual desire, and the purchasing of children.

In the same year, Horace Wilson[77], in his *A Glossary of Judicial and Revenue Terms* (1855), provided an entry for the term '*hijra*'. According to this

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[76] This article was written with a medical audience in mind, for the purpose of providing information that they can use in their practice.
[77] Wilson is described as being Macaulay's 'arch foe' by Viswanathan (1989), especially in the context of debates around the infamous Macaulay's Minute of 1835, which addressed the role of

English Orientalist, the purpose of this book, which was commissioned by order of the Supreme Government of India, was to inform "members of the Court of Proprietors, of the Court of Directors, of the Board of Controul, the Houses of Parliament, the British public" (i-ii) on what the various vernacular terms mean so that they could rule the speakers of these tongues. *Hijra*, for Wilson, is a Marathi word (most often transliterated and pronounced in Marathi as *hijda*), and can be defined as:

> A hermaphrodite, a person either a eunuch, or of equivocal malformation, considered as neither male nor female, but usually wearing the garb of a woman; suffered in some Maratha villages to claim grants of food and small coin, and exacting the claim by offensive language and menaces. The class is held in great disgust by the Ryots who contribute to their support to escape from their importunity and abuse. It is said to be a popular notion that the demands of the *Hijras* are countenanced by the government, on account of its levying an impost upon them; a notion of course wholly erroneous, if it have any currency. (208)

Emphasising the liminality of the *hijra*, Wilson points to the repugnance with which they are treated. Significant in this representation is the reference to the role of the government in the supposed support of these people. Such a concern, it must be noticed, is a reoccurring theme through many of the government documents relating to *inams*; that is, this articulates a reoccurring preoccupation with the relationship between the nation-state, support for the *hijra*, and income, one that must be addressed.

Also examining the Marathi word, *hijda*, James Molesworth, in 1857 wrote a similar definition of the group. In his Marathi-English dictionary, this author states that a '*hijada*' is:

> A male hermaphrodite; a neuter approaching rather to the *male* sex. Applied, reprovingly, to an obscene or indecent fellow. Applied also to an eunuch or emasculated man. Note. A hijrra in the female guise, alone or in company with other neuters, annually makes its exactions of money and victuals from the people, high

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language in education. As such, he represented the Orientalist camp (or what I prefer to call those who support 'coercive integration'), in opposition to the Anglicist camp (those who support 'coercive isolationism'), which is embodied in Macaulay.

> and low, of the villages. Such hijra is also termed *vatanadara* [a holder of a *vatan*, or a hereditary estate] *hijada*. (900)

However, whereas this definition refers to a man, as Molesworth's italics stress, the term *hijadi* indicates a "female hermaphrodite" (900). Further, a *hijadem* is a "hermaphrodite or neuter generally (whether *hijada* or *hijadi*)" (900). Thus, this linguist points to the social category as encompassing men and women.

Reminiscent of the unpublished narrative of Alexander Burnes, Alexander Forbes also wrote of a group, which he called *Paweeas*, or, as the editor altered, *Pavyas*, which were quite similar to other depictions of the *hijra*. In his 1856 *Ras Mala* (1924[1856])[78], this colonial administrator and specialist in the Gujarati language documents a group of attendants of the Goddess, Boucherajee. These are eunuchs:

> who, if universal belief be true, prostitute themselves to unnatural practices. They wear the dress of females, with the male turban. They are about four hundred in number, of whom the half reside at Teekur, near Hulwud, while others rove about the country extorting alms, by the usual means of intimidation and annoyance employed by other classes of wandering ascetics, both Hindoo and Mohummedan. Some of the Paweeas, it is commonly asserted, have amassed considerable wealth. (ii. 99)

Similar to the accounts of cross-dressing evident in the French accounts of Thevenot and Rennefort, this description captures the extortion of this social collective. However, he emphasises their religious nature, while, at the same time, claims that they are both Hindu and Muslim. This is one of the first references to any sort of economic affluence held by the *hijra*.

Given this flurry of awareness of the *hijra*, it is of little surprise that there were several attempts to legislate them. Other than the laws that attempted to control elements of their reputed character (sodomy, castration, kidnapping, etc...), one of the first attempts to control them *qua* eunuchs was a Circular Order issued to the North-Western Province police in 1865[79]. This Order was as follows:

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[78] This book was never meant to appeal to a popular audience, but, instead, was intended to be "of use to the local officer" (i. xxii).

[79] B.L.: IOR/P/97. Report from R. T. Hobart, Deputy Inspector-General of Police, to E. Tyrwhitt, Officiating Inspector-General of Police (4th May 1875).

> 468. A Register is to be kept up of all Eunuchs Resident in the District. These are to be shewn under the two headings of "Hijra," or those used for "Prostitution" and of "Zenana" or those used as "Guards" and Attendents on Females of Rank. (Saunders 1867: 90)

Coinciding with the Order was a request by the North-Western Provinces Government to the Sudder Court, the chief court of appeal, "for the passing of a law providing for the punishment as bad characters of eunuchs appearing in public and singing and dancing for hire"[80]. After some debate and subsequently deciding that such a Bill would not be useful, the Sudder Court dropped the matter. However, in 1870, James Fitzjames Stephen pressed the matter. The result of this action is that a law was eventually passed, Act XXVII of 1871, which regulated eunuchs. Key in its description of the character of eunuchs was representations such as sodomites, kidnappers of children, impotent men, and cross-dressers. In fact, according to committee that made the law, it was the plethora of court cases in the 1850s that brought the problem of the *hijra* to their attention[81].

Following the passing of this law, there was a fair amount of references in legal channels about the *hijra*. However, as John Shortt's article (1873)[82] demonstrates, they were still part of the popular imaginary. In his piece, 'The Khojas of Southern India', this medical doctor and Local Secretary of the Anthropological Institute in Madras compared and contrasted two types of eunuchs: the *khojas* ('Kojahs') and the *hijras* ('Higras'). Whereas Kojahs are artificially created eunuchs, Higras are impotent men and 'natural eunuchs'. Shortt finds two of the former, who were at the head of the State prison, in charge of wives. As for the latter, the author asserts that, as impotent men, some are dressed up as women, and taught to copy the mannerisms and speech of women.

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[80] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Memorandum showing the action taken on the proposal of 1865, to legislate against Eunuchs in the North-Western Provinces by O'C (29th June 1870).

[81] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Extract from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic. Cap. 67, 3rd October 1870.

[82] This descriptive piece was envisioned as part of the larger anthropological project of understanding the indigenous Other.

Furthermore, he notes: "I examined several of them from time to time, and found them not only strong and muscular, but with their genital organs natural and perfect both in size and appearance" (406). Thus, he states that these *hijras* are physically comparably to other men, but wear women's clothes, beg, and sing rude and vulgar songs. Also, they extort money, by creating a 'chilli fire', and forcing those whose eyes sting from the smoke of such to give alms. Finally, he remarks that at night, they engage in activities of "debauchery and low practices" (406), hire themselves out to Muslims, and drink and do drugs.

In 1881, the British Government conducted a series of provincial censuses, within which several references to the *hijra* were made. These censuses were by no means the first Imperial ones completed. However, the first mention of the *hijra*, other than in Prinsep's (1832) census, did not take place until the 1881 imperial census. The *hijra* are represented in a much varied fashion in this census. In Berar, they are under the title *hijada* and are considered to be a "Mendicant and Vagrant Caste" (Kitts 1882). The census organiser for the Bombay Presidency, Jervoise Baines (1882), as well as William Plowden (1883), the person responsible for the imperial census in all of India, notes that the *hijra*, also known as *pawaya*, are a caste of dancers and musical instrument players. In the Central Provinces, the *hijras* are included under the caste category of 'Singers and dancers at birth and marriage feasts; beggars' (1883). The *hijra* were not always easy to classify. Denzil Ibbetson (1883), the census-taker for the Punjab area, for example, includes the *hijra* under 'miscellaneous castes'. Upon this classification, he had this to say:

> Many of these I cannot identify, and cannot even be sure that I have got the names right. Any many more would properly fall under some one of the various groups into which I have divided my castes for the purposes of this chapter. But the numbers are so small and time so pressing that I shall take them as they come in Table VIIB, and give the information I possess regarding such of them as I know anything about. (303-304)

Even with this uncertainty, Ibbetson defines the *hijra* as a caste of eunuchs. Finally, Gajanan Bhatavadekar (1883), who was commissioned to conduct the census in Baroda, a territory outside of British India, captures this imperial project of classification, conceptualising the '*hijadas*' in the land as being a combination of beggars and devotees.

Another example of Cohn's (1996) 'investigative modalities' is that of the India gazetteers. Such gazetteers were part of a larger project[83]; in the words of Christopher Bayly (1990), "[t]he British wished to 'know their India' for political and financial purposes" (134). From the district gazetteers to the grand Imperial Gazetteer, the logic of these records is probably best summed by Jervoise Baines' (1907) review article of *The Imperial Gazetteer*, in which he states: "It may be added that no country needs a work of reference of this sort more than India, which contains, probably, the maximum of variety, both ethnical and physical" (649). Of particular relevance are several references in James Campell's *Gazetteer of the Bombay Presidency*. In the first such account, in an 1883 entry of Volume XVI of this gazetteer, referencing the area of Nasik, the unnamed author provides a description of various peoples under the title, "Bards and actors":

> …Hijdas, or eunuchs, found in Nasik, Yeola, Dindori, Malegaon, Satana, and Kalvan, have fallen in numbers of late years, and very few remain. They formerly had dues, *haks* [which are similar to *inams*], in every village, and, it is said, some even enjoyed patilships. Some of them keep and till fields, but most live on alms. They dress like Hindu women. In religion they are nominally Musalmans. The Hijdas who live at Pathardi, a village about five miles south of Nasik, have some Musalmans among them called

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[83] In his *The District Gazetteers of India* (1970), Henry Scholberg provides a brief history of these texts. According this scholar, the first person to work on the project of developing a gazetteer was Dr. Francis Buchanan, who was appointed, in 1807, by Governor General Lord Minto to begin a statistical survey of the areas under authority of the Presidency of Fort William. The Secretary to the Government drew up a set of instructions for Dr. Buchanan that included the things they were looking for:

> 'the Condition of the Inhabitants,' religion, natural resources, agriculture, commerce, and 'in addition to the foregoing objects of inquiry, you will take every opportunity of forwarding to the Company's botanical garden at this presidency, whatever useful or rare and curious plants and seeds you may be enabled to acquire in the progress of your searches'. (2)

This was published in 1815 by Walter Hamilton, as The East India Gazetteer. Even though Buchanan began his work before any other, the first real gazetteer, was written by Andrew Sterling, who wrote on Orissa and Cuttack in 1822. Lieutenant Colonel Monier Williams, the father of the orientalist Monier Monier-Williams, wrote another in 1825. However, it was not until the decades following the 1857 Indian Rebellion that any serious work was done on the gazetteers.

> Mundias. They live by tillage, and accompany the Hijdas when they go on begging tours. (55)

This account refers to several important points. First, the *hijra* population is represented as declining in strength. Second, the relationship between the *hijra* and their labour is elaborated. Third, the notable subject of religion, especially the connection between the *hijra* and Islam, is denoted. Finally, they are still portrayed as transvestite eunuchs.

Also in 1883, James Wise, who, as the Civil Surgeon of Dacca and an amateur anthropologist, gathered a great deal of information on the social and racial structure of Bengal, referred to the *hijra*. In the context of discussing *Taifadar*, a musical group that attends dancing girls, Wise refers to various musicians, called *Sapardas*. These are respectable men who beat drums and play the cymbals. In contrast to these instrumentalists, Wise writes of another group:

> The most despicable class of Muhammadan players, however, are the Hirja, who personate women in their dress, and are generally believed, as their name imports, to be hermaphrodites. Their obscene songs, and lascivious movements, are regulated by the beating of a "dholak," by morris-bells (ghungru) attached to the ankles of one of the performers, by cymbals, and by clapping of the hands (tali). (47)

Capturing the devalued position of these 'hermaphrodites', Wise represents the *hijra* as cross-dressers and bawdy performers. While his work was left unpublished, his data was of considerable use to others, including Herbert Risley, who I will discuss below.

Another allusion to the bardic nature of the *hijra* comes just two years later, in 1885. The author, Richard C. Temple, was part of the Bengal staff corps, fellow of the Royal Geographical Societies, member of the Royal Asiatic, Philological, and Folklore Societies, the Anthropological Institute, and The Asiatic Society of Bengal, just to mention a few. In the preface to this volume, the author announces that he understands himself as a folklorist. Engaging in a scholarly conversation going on at the time, the author sees Folklore, if conducted properly, as a science, such as anthropology. Within this scientific endeavour, he translates part of the *Puran Bhagat*, which is sung by Jatts from the Patiala State in Punjab. The author thinks that this can be dated at around 700 CE. In this text, he records:

> When I was in my mother's womb eunuchs danced at the door,
> And so I am lame and have no hair on my head!
> Had I been born whole the world would not have dwelt in ease!
> Whom though hast taken in marriage take back again. (396)

For the word that Temple translates as eunuch, he notes that the Punjabi (also a Sanskrit term) name is "*khusre*". The author interprets this passage to indicate: "It is customary for the class of eunuch mendicants to sing songs, &c., at births for fees" (ii. 396). Despite the fact that this reference is not constructed as an observed account of the *hijra*, it demonstrates that some eunuchs are understood as dancing for alms and have the ability, presumably if they do not receive the desired alms, to curse the householder. Moreover, since the only cue for this representation of the *hijra qua* eunuch is the translation of *khusre* as 'eunuch' and the subsequent lameness of the offspring, this portrayal is useful since it demonstrates how these characteristics of the eunuch are unquestioned -- at least insofar as these attributes are part of the intelligibility of the depiction -- in this period.

Although he does not refer to them by name, Fred Fawcett (1890) observes a group that may be thought of as related to the *hijra*. An anthropologist and former Superintendent of Police in Malabar, Fawcett connects eunuchs to Goddess-worship:

> As somewhat germane to the subject, illustrating the turn of mind whish brings about dedications to deities, it may be mentioned that there is a goddess (Huligamma) to whom there are dedicated not only numbers of Basivis, but men who are born eunuchs or in some way malformed. These dress exactly as women, and might be mistaken for women.... One of the individuals questioned by me said that he was born a eunuch, and being afflicted with rheumatism seven years ago, he assumed female attire in the name of Huligamma, and has worn it ever since. His rheumatism was cured, and he feels bound to the goddess. (343)

Later, the author continues his comments on this eunuch:

> He has no material wants, his family being well off, and though his brothers do their best to keep him at home and give him anything

> he can want, he feels compelled to go about the country asking for alms. "It is my destiny," he said; and he looked very sad over it, poor fellow. Curious, too, men who are or believe themselves impotent temporarily or permanently, as a form of vow assume female attire in the name of this goddess in the hope of restoration of virile power, and, of course, their hope is fulfilled. (344)

Connecting impotence, castration, and transvestism to religion, Fawcett provides a depiction that challenges -- albeit in a subtle and roundabout fashion -- the notion that such a group, while consisting of sad 'poor fellows', are devalued.

With the continuation of the imperial censuses in 1891, several more references to the *hijra* were made. In the princely state of Baroda and the British-governed Bombay, the *hijra* were categorised under the caste of 'Dancers and singers' (Dalal 1894; Drew 1892). In other provinces, they were considered to be part of different castes, such as 'Miscellaneous and disreputable livers' in the Central Provinces (Robertson 1893) and the North-Western Provinces and Oudh (Baillie 1894), and eunuchs in Bengal (O'Donnell 1893). In places such as Baroda, they were thought to be Hindu (Dalal 1894), while in Bombay and Bengal, they were thought to be Muslim (Drew 1892; O'Donnell 1893). Yet, in provinces such as Punjab (Maclagan 1892), the North-Western Provinces and Oudh (Baillie 1894), Rajputana (Bannerman 1902), and the Central Provinces (Robertson 1893), their ranks consist of people of both religions. Even though the various census-takers use the name '*hijra*' to denote this group, they subsume other groups within the category of the *hijra*, thereby collapsing local difference into a universal class. In Bombay, for instance, W. W. Drew (1892) noted that, included in the category of *hijra*, were a group called *Pawaya*. Furthermore, in Punjab, the caste of *hijra* also included the *Khunsa*, *Khusra*, and *Mukhannas*. Finally, even though the *hijra* are considered to be eunuchs and all enumerators were told to count eunuchs as men, the reports of the census include both men and women in the ranks of the *hijras*: in Bombay, of the 47 in the presidency, 34 were male and eleven were women (Drew 1892); in Punjab, there were 631 *hijra*, consisting of 547 men and 84 females; there were 1125 *hijra* in the North-Western Provinces and Oudh, with 749 males and 369 females (Baillie 1894); in

Bengal there were 714 of them, with the division between the two sexes being quite close, with 375 males and 339 females; and. finally, in Baroda, of the 30 *hijras*, nineteen were listed as men and 11 were categorised as females.

The censuses did not just produce reports, but were also used as the source of the data of many published books. One example of this is *The Tribes and Castes of North-Western Provinces and Oudh* (1999[1896])[84], written by William Crooke, a former member of the Bengal Civil Service and Magistrate and Collector in the North-Western Provinces and Oudh. In this book, Crooke provides a discussion of the *hijra* in the 1891 census of North-Western Provinces and Oudh. Including *Mukhanna* in this category, he provides the following description:

> The class of eunuchs. In spite of the operations of the Criminal Tribes Act (XXVII of 1871) these people are still found in considerable numbers throughout the Province; but under the rigid supervision to which they are now exposed their numbers are gradually decreasing. Formerly when a deformed boy was born in a family the Hijras of the neighbourhood used to beset the parents and endeavour to obtain possession of him. This practice has now, of course, ceased. Hijras divide the country into beats for the purposes of begging, and none of them ventures to trespass in the beat of another. Most of them wear a sort of female dress, and, as nearly all of them are Muhammadans, they call themselves by Musalman names such as Bari Begam, Chhoti Begam, etc. They go about and attend marriage feasts and other ceremonies. They play on the drum (*dhol*) and cymbals (*manjira*). Their death customs are the same as those of the low castes in their neighbourhood. The Census Returns show that they have a considerable number of women dependent on them.
>
> The Census Returns give as sections of the so-called Hijra caste some of purely Muhammadan origin, as Bani Hashim, Khwaja, Khwaja Sarai, Kwajazad, Patham, and Shaikh, with others of Hindu origins as Gangarami and Tikokbans. (ii. 495)

From his work, then, he provides a representation of the *hijra* as a diminishing group of mostly Muslim men (7 of the 1125 were Hindu) who cross-dress, beg, and perform at weddings and births. However, the further division of the *hijra* into several smaller sub-groups is a novel aspect of their representation, as is the reasons for the inclusion of women in their ranks.

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[84] This volumous work, which includes forays into anthropometry, anthropology, and sociology, was published to furnish more detailed information on the people and customs, especially ones that are rapidly disappearing in the face of what the author thought was rapid 'Brahmanizing', of an area that was already heavily researched.

Before Crooke had an opportunity to write his book, though, the *hijra* were mentioned by a man who would later become the national superintendent of the censuses in 1901. Herbert Risley was an important imperial figure, serving as the head of the 1901 census, receiving knighthood in 1907, and serving as the head of the India Office in 1910. In his *The Tribes and Castes of Bengal* (1981[1891]), he dedicated this ethnographic glossary to James Wise. For him, a *hijra* was a "eunuch, a person of equivocal malformation, supposed to be a hermaphrodite and usually wearing female attire and bearing the name of a man" (i. 319). This book is important because it consists of reports of anthropometric data, taken in 1886. This framework later came to be the scientific racism[85] for which Risley became better known, a fact that was institutionalised in his elevation to presidency to the Royal Anthropological Institute in 1910.

Another reference to the *hijra* emerged in the writings of a former author for the Government Bombay Gazetteer. Krishnanath Raghunathji, in 1892, provided an informative take on this classification of people:

> Hijdes or eunuchs come in groups of four or five, of all Hindu and Musalman classes, they are either castrates or born so. In Native States fine-looking youths, for whom the wives of the Native princes take a liking, are castrated and made over to them as their keepers. Both the Hindu and Muhammadan eunuchs dress in robes and bodices, the Musalman eunuchs being generally in white, and the Hindu eunuchs in clothes of different colours. Musalman eunuchs do not pray nor observe fasts or feasts, but the Hindu eunuchs apply red powder to their brows, and pray to Hindu goddesses. Excepting from the eyebrows, the eunuchs remove all hair from the face and wear the head in a back knot like women. They generally speak Hindustani. Besides committing sodomy, the Musalman eunuchs dance and sing on occasions of births, of which they learn from midwives, or they go about the lanes, calling out 'Where is a son born?' If they should not be sent for,

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[85] This is a form of knowledge that constructs a hierarchy of races based on ostensibly scientific criteria, which, because of its 'scientific' basis, was understood as objective in the late nineteenth and early twentieth centuries. This form of racism was used by several nation-states, especially in eugenic projects.

> they contrive to find out the house and exact money. Should they be handsomely rewarded, well and good; if not, they raise a clamour and load the owner with curses. A good-looking person among them is selected to dance, and the rest play on a drum and pipe, and sing. Towards the conclusion of the dance the dancer presses out his abdomen by inserting a cloth pad under his dress to represent a pregnant woman. After a little while, as if in actual labour he screams and roars out lustily, and ultimately drops the pad as if bringing forth the infant. Then the pretended mother rocks it in a cradle or dandles it in her arms. After dancing and singing awhile they receive betel-nut, rice, and money, and depart. These creatures frequent the Marvadi and other shops, and stand clapping their hands and using filthy language till the shop-keepers give them a pice. They do not feel ashamed to raise their waist cloth before shopkeepers if they do not pay them. When they die they are buried by their own people without any ceremony being performed either at their graves or afterwards. Hindus consider it a sin to look at them, but during the Holi holidays they are encouraged and their dances attended by low-class people. (54-56)

Combining the *hijra* with the eunuchs of the harem, at least in the territories outside British India, this author captures many of the themes that have been present in previous representations. However, linking singing and dancing at births and weddings and sodomy with only the Muslim *hijras*, while, it seems, delegating the religious observances to the Hindus, this author exemplifies some of the religious assumptions evident in previous portrayals.

Another allusion to the *hijra* in the Gazetteers was published just before the turn of the century. The Assistant Collector of Customs in Bombay Fazalullah Lutfullah Faridi (1899), in Campbell's *Gazetteer of the Bombay Presidency, Volume IX, Part II; Gujarat Population: Musalmans and Parsis*, discusses this caste. Under the telling title 'Musalmans: Religious Communities', in the subsection, 'Beggars', he depicts the *hijras* as worshipping a Hindu Goddess: "Hijdas are emasculated male votaries of the goddess Bahachara or Behechra, a sister of Kali. They have taken the vow to sacrifice their manliness, and not only emasculate themselves but ever after go in a woman's dress" (21). The reason, Faridi asserts, that people take the vow to this Goddess is because either a mother is barren and wants a child (presumably, the child would then be castrated and taken as a votary) or a young boy who is dangerously ill offers himself to the

Goddess in hopes that she will cure him. The *hijras*, or, as the writer of the entry refers to them, *hijdas*, sometimes engage in sodomy; they "feign themselves women and some of them devote their lives to the practice of sodomy and gain their living by it" (22). This is significant because Faridi does not depict the *hijras* as necessarily sodomites. Following in this theme of contingency, he further reports:

> Some north Gujarat Hijdas, though they hold themselves devotees of Bechechra, neither suffer emasculation not wear women's dress. They marry and beget children and are Hijdas only in name. They also perform plays at the birth of sons among the poorer Musalmans. Hijdas of the play-acting class are to be found in and about Ahmedabad. As a class Gujarat Hijdas enjoying independent means of livelihood have not to engage in sodomy to any active extent. As votaries of Bechechra they hold fields and lands and rights on lands awarded them from of old by native chiefs, village communities, and private persons. They have rights on communities also, receiving yearly payments from them. Woe betide the wight who opposes the demands of a Hijda. The whole rank and file of the local fraternity besiege his house with indecent clamour and gesture. (21-22)

Thus, not all the *hijras* are represented as castrated or transvestites, either. This narrative represents a deviation of sorts from the previous ones, since it describes the *hijra* as a varied and complicated group.

In the final census that I want to examine, that of 1901, the *hijra* are more visible. There were *hijras* in more areas of India: In India generally, there were 1378 of them (Risley 1903); 58 in Baroda (Dalal 1902); in Bengal, there were 246 (Gait 1902); in the Bombay Presidency, there were 73 (Enthoven 1902); 10 in Central India, or the United Provinces of Agra and Oudh (Luard 1902); in the Central Provinces, there were 3 (Russell 1902); in Punjab, there were 131 in the British Territory and 24 in the Native States (Rose 1902); 105 in Rajputana, down from 145 in the previous census (Bannerman 1902); and 792 in the North-Western Provinces and Oudh (Burn 1902). *Hijras* are represented as referring to the same group as *Fatdas* (Dalal 1902; Enthoven 1902), *Fathada* (Enthoven 1902; Risley & Gait 1903), *Pavaiyas* (Dalal 1902); *Pawaria* (Gait 1902), and *Pavaya* (Enthoven 1902). Like the census of 1891, one census reported that the *hijra* were only a Hindu group (Dalal 1902), while, unlike the other census, only one census reported that they were only Muslims (Gait 1902). Instead, several census compilers noted that the *hijra* were both Muslims and Hindus (Bannerman 1902; Luard 1902), even though each religion sometimes had a different name for the group (Enthoven 1902). In fact, Horace Rose (1902) observes that, in addition to the Muslim and Hindu *hijras*, there are even three Sikh *hijras* in Punjab. The *hijra* are portrayed as the lowest (or close to the lowest) caste (Bannerman 1902; Burn 1902; Enthoven 1902; Gait 1902), a caste of wanderers and a religious order (Enthoven 1902), and simply unclassified (Dalal 1902; Russell 1902). Again, even though the instructions to the enumerators was to count eunuchs as male, the *hijra*, still described as castrated men, counted women in their ranks in the Bombay Presidency (Enthoven 1902), Punjab (Rose 1902), in Bengal (Gait 1902), and in the North-Western Provinces and Oudh (Burn 1902).

In 1901, the *Gazetteer of the Bombay Presidency*, volume IX, part I featured a piece on the *hijra* by Kirparam Bhimbhai. Connecting them to the *Pavayas* and *Fatdas*, the author asserts that *hijdas* are eunuchs of either Islam or Hinduism who are devotees of the Goddess Bahucharaji, even though the members of the different religions do not dine together. The main characteristic that determines who may enter the ranks of this group is impotence, which is tested by an attempted arousal with a prostitute. Not only do they beg for a living, if the target of such a request for alms refuses them, they strip naked; the sight of their mutilated bodies, Bhimbhai argues, "is greatly dreaded as it is believed to bring dire calamity" (507). Also, they sing and dance at weddings to confer fertility. Unlike other accounts of the *hijra*, this narrative links them to prostitution as pimps of women and even provides a somewhat surprising racialised depiction of them as "dark well built and tall with feminine features and gestures" (507).

Based on his ethnographic research, begun as early as 1894, Edgar Thurston's (1906) *Ethnographic Notes in Southern India* provide another glimpse at how the *hijra* were perceived, albeit under the title of *khojas*. Thurston, a medical doctor and surgeon who drew extensively on Shortt's (1873) work on the group, refers to an interview that he conducted with a sixteen-year old eunuch. In this interview, he notes on the castration process. In his *Castes and Tribes of Southern India* (1909), a later piece that makes use of the same ethnographic research and data from the 1901 census in Madras, the author observes that there are about thirty eunuchs in the Madras area who sing and dance, a figure that does not include others with other occupations. One who he interviewed mentioned that he is a natural eunuch and is gainfully employed, even though he sings and dances with other eunuchs for some money. In this discussion, Thurston remarks that one of the reasons that boys join the ranks of the *khojas* is because:

> when a boy is born with ill-developed genitalia, his unnatural condition is a source of anxiety to his parents. As he grows up he feels shy, and is made fun of by his companions. Such boys run away from home, and join the eunuchs. They are taught to sing and dance, and carry on abominable practices. ... At times of the census, they return themselves as males engaged in singing and dancing. (292)

Thus, he posits the blame for the institution of eunuchs on Indian customs.

Even though my focus is on the nineteenth century, there are other twentieth century representations of the *hijra*, such as Thurston's, that are useful, since they draw on the censuses of the previous century. One such depiction is authored by former census complier for the Central Provinces in 1901, Robert Russell. His *The Tribes and Castes of the Central Provinces of India* (1969[1916]), originally released in 1907, included a section on the *hijra*, which is partially based on information from the Gazetteer. The *hijra*, who are also the *khasua*[86], are, according to his book, a class of eunuchs, both natural and artificial, with the latter referring specifically to the *hijra* and the former to *khasua*. When they become eunuchs, if they are not Muslim, they convert.

Accounts of the *hijra* continued well into the twentieth century. Some familiar writers emphasised their bardic occupation (Enthoven 1997[1922]; Rose 1907, 1970[1911]) and their roles at weddings (Crooke 1911; Rose 1970[1911]). Also, in an unusual and unique quote, Reginald Enthoven and A. Jackson

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[86] Preston (1987) thinks that *khasua* might be a derivation of the Arabic *khasi*, which refers to created eunuchs who have had their testicles removed.

(2000[1914]) write that, upon interviewing a schoolmaster in Jodia, they found that "[t]here is a belief that Hanuman cries out once in twelve years, and those men who happen to hear him are transformed into *hijadas* (eunuchs)" (56). This is the second reference that I have encountered that link the *hijra* to the God, Hanuman, the first being Russell's (1969[1916]) reference to Jackson's notes, which presumably served as the basis for his and Enthoven's work. Yet, these accounts, generally, provide nothing new to the representation of the *hijra*.

## Conclusion

These accounts of the *hijra* are not reflections of the ontological status of a social group that exist in a 'real' historical context. They are informed by and thereby mirror ways of knowing; that is, they are truth effects. Yet, insofar as they are rearticulated, particularly in the context of the discursive architecture of Empire, they reproduce the very conditions of possibility that are set out in such a trope. In other words, because the production of these descriptions allowed conceptual categories to emerge that construct the population in governable ways, the ideological framework that lies behind such representations is duplicated. These reports, ostensibly being transmitted as valid forms of knowledge, then, produce Empire. Of course, through disciplinary regimes such as law, this knowledge moves beyond the hegemonic and into the sphere of coercive governance.

While knowledge is not innocent, the patterns that surface from the construction of this knowledge allow us some insights into the nature of such an endeavour. Consequently, this chapter provides a descriptive outline that implicates several important themes, ones that illuminate how Empire is articulated in this context. One such pattern is the description of the *hijra* in terms of sexual and gendered characteristics. For example, they were depicted as both hermaphrodites and eunuchs. Why did the various accounts, though, tend to refer to them as hermaphrodites prior to the mid-1850s? Correspondingly, why was their representation anchored as men in the latter half of the nineteenth century, especially with the censuses that contradicted this? Possibly related to this is the question of why this class became increasingly subjected to a medical gaze? Also, the *hijra* were associated with sodomy and prostitution. However, why did sodomy become their defining attribute after the 1840s? Effeminacy and impotence also became increasingly connected to this group. Why? Similarly, the *hijra* were reported to have a variable relationship to the gendered nature of clothing. In the late seventeenth, eighteenth, and early nineteenth centuries, this class of persons was depicted as wearing clothes attributed to both males and females. However, in the nineteenth century, this portrayal changed such that they were dressed in only women's clothes. Moreover, the *hijra* were linked to various indigenous terminologies. How did these linguistic connections serve to represent the *hijra* in the colonial context?

In addition, the class characteristics of the *hijra* changed over time, and were highly contested. In terms of occupation, while they were almost consistently depicted as bards and entertainers, such a representation often intersected with their role as beggars, prostitutes, and performers at weddings and births. In fact, the criminality with which they were associated was often linked with different occupational roles; in the 1830s through the 1850s, some legislators connected their begging with illegal activities, while in the 1860s through the 1880s, it was their prostitution that offended the sentiments of law-makers. Related to the revenue of the *hijra* is a recurring theme of the role of the nation-state in the economic support of the *hijra*. This theme begs the question: why did this question plague the writings of the colonial authors? Furthermore, the religious nature of this group was highly debated, with some writers maintaining that the *hijra* were Muslims, others asserting that they were Hindus, and still more authors arguing that they were both. What was the role of religion such that it played such an important and variable role? How did Orientalist constructions of Islam -- especially in terms of slavery and the harem -- play a role in their representation? Moreover, why did the *hijra* only emerge as a caste in the 1880s? In fact, especially in the late nineteenth century, despite a few disagreements over the nature of this group, there was a growing consensus on what characteristics they were attributed. What was behind such a depiction?

In many ways, the 1850s was the time when many representations of this group changed. There was considerably more interest in them, starting in this decade. They were increasingly criminalised during this period. In fact, one of the main reasons that they evoked such attention from the legalists -- that is, their supposed custom of kidnapping and castrating children -- first became evident in this decade; in other words, the reason that they were constructed as a valid focus of the law emerged at the same time as they were held under the legal gaze. Why did this decade, one which saw the great 1857 Rebellion and subsequent subsumption of India under the British Crown, see such a change in representation of the *hijra*? What is the connection of this criminalisation to the depictions of the *hijra* in terms of a moral aesthetic, one that evoked notions of disgust, indecency, debauchery, obscenity (particularly in the songs of the *hijra*)?

The following chapters will present answers to these questions. Throughout such a discussion, I will highlight how the formation of the colonial state was reflected in and constitutive of the representations of the *hijra*. Through the site of the emerging colonial nation-state, then, the colonial translation of the *hijra* is an Imperial endeavour, one that can only be understood in this context.

## Chapter Five – Bodily Difference in South Asia: *Khojas* and Hermaphrodites

In order to appreciate how the *hijra* were understood in British writings, it would be useful to provide a contextual overview of one of the main semantic fields of which the *hijra* were part: that of bodily difference. That is, the *hijra* were intelligible as those whose bodies were different from those who the colonialists thought were normal. In this chapter, I will discuss how the colonialist understood such difference in South Asia. This understanding, of course, can only be understand within the context of changes in the conceptions around the body, sex, and gender that were taking place in Europe. As the British interacted with those in South Asia, these notions were translated into the colonial context. So, it is essential for my argument for me to include this anchoring of the representations of the *hijra* in the context of transformations in European notions. Consequently, the representations of the *hijras* were intelligible within the context of conceptions around bodily difference; that is, in the context of depictions of others who were defined by their embodied variation. For example, there are similarities between accounts of the *hijra* and eunuchs of the Muslim harems. Yet, the *hijra* were not simply conflated with those who were defined as having differential bodies (such as *khojas*); that is, just as there were some points of similarity between the *hijra* and other bodily 'deviants', there were much dissimilarity as well. By looking at how other ostensibly abnormal people were understood, the differences between these groups and the *hijra* will be evident.

Such a discussion will involve two areas of embodied variation. First, I will discuss how non-*hijra* eunuchs were understood in the period by the British in the area. Unlike the figure of the *hijra*, the eunuch more broadly was a common character in various reports and histories of South Asia. A brief overview of some of the various accounts of such eunuchs in South Asia would be valuable for two reasons. The key theme that will be illuminated through this discussion of non-*hijra* eunuchs is that of what I have called Cryptocrystalline Orientalism. Such a discourse, one that links Muslims with characteristics such as despotism and immorality, serves to enable the justification of colonial governance, through the trope of the eunuch. That is, I assert that, by connecting

Islam to these traits, ones that were thought of to be undesirable by the British -- traits that give rise to an inability to justly govern -- by means of the figure of the eunuch, these narratives of the castrati create a discursive framework within which representations of the *hijra* become meaningful and signify such a failure to govern. Furthermore, I maintain that the *hijra* served to suture the contradiction between the Cryptocrystalline Orientalism and the stated desire to value the 'Oriental' culture; without such a suture[87], there is always a risk that the architecture of Empire can fall into Ruin. Insofar as the colonial regime articulated an ideology of native rule, or a desire to respect Muslim indigenous culture and subsequently the legal system that it produced[88], they needed to respect the South Asian cultural milieu of Islam. To do this, they posited many of the positive qualities that they found, or were forced to acknowledge because of their ideological stance on such cultural traits, in the figure of the non-*hijra* eunuch. Alternatively, the characteristics that they abhorred were conceived of in the personage of the *hijra*. This semiotic reassignment functioned to allow their Cryptocrystalline Orientalism and their stated need to respect indigeneity to exist together.

Second, given that a key part of representation of the *hijra* evoked another figure of bodily difference, that of the hermaphrodite, it is essential that I investigate notions of hermaphrodism. The figure of the hermaphrodite, I argue, sutured the two-sex model of the British with what the colonialists thought was a three-sex regime of South Asia. Such a stitching provided a space in which the medical model of the body could be inserted and deviation from such a logic could be punished. By examining the context of understandings of hermaphroditism in the colonial regime, these manoeuvres can be better understood, without which the accounts of the *hijra* cannot be appreciated.

## Eunuchs in South Asia

In South Asia, several themes emerged in the representation of non-*hijra* eunuchs. They were associated with: Islam, especially through the supposed social evil of polygamy; slavery; same-sex intercourse; and certain psychological traits, such as loyalty, unfaithfulness, and bad dispositions, partially due to the castration process. These portrayals are valuable to my project because they indicate what eunuchs signified outside of the discourse of the *hijra*. Furthermore, these depictions were constitutive of the construction of the *hijra* as eunuchs. This was achieved through what I call a semiotic reassignment: the 'positive' qualities of the eunuch (trustworthiness, lack of sexual desire, respectable, moral character, and the wearing of men's clothing) were attached to the harem (i.e., non-*hijra*) eunuchs, and characteristics that the British defined as negative (sodomites, beggars and dancers, despised, immoral, wear women's clothes, and are rude) were attached to the *hijra*. Consequently, the *hijra* came to be defined both in contrast and in relation to the various themes of the non-*hijra* eunuchs.

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[87] By 'suture', I mean that the *hijra* serves to bridge the rift between the two ways of thinking, a divide that is present in the contradiction between the two perspectives.

[88] I will trouble this notion of who was producing 'indigenous law' in the next chapter.

One of the main themes present in academic accounts of eunuchs in South Asia, then, is one that links them with Islam. This is not simply a regionally-specific representation, but one that exists in several contexts. For example, contemporary academics[89] argue that, in various places that had harems[90] (or, what in South Asia was most often referred to as *zenanas*), the castrati acted as guards for and of the women (Ayalon 1999; Gray 1908; Hathaway 1994; Juynboll 1908; Lal 1988; Marmon 1995; Peirce 1993; Penzer 1936; Reed 1999). Eunuchs in Muslim harems, in India and elsewhere, also are represented as acting as messengers, governors, and leaders of armies. The association with Islam and eunuchs is so strong that some scholars argue that eunuchs were not present in various regions until Muslims arrived (Edwardes 1960; Farquhar 1967; Sweet & Zwilling 1993). However, within the context of Islam and the harem, eunuchs were depicted as ubiquitous and prestigious. In spite of this, they were also associated with despotism and immorality. For example, William Auckland (1771) links castration to civilisation; in a memorable passage, he addresses two objections to castration: "it is pernicious to society from the example of barbarity, and inconsistent with that decency, which the law always out to preserve" (239). These intersections, as I will illustrate later, link eunuchs to Cryptocrystalline Orientalist representations of the Muslim Other, which serve to legitimate colonial rule in South Asia.

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[89] The reason that I include modern academic accounts is, following from my discussion in chapter three, to point to the continuities between the production of academic knowledge and the colonial accounts of eunuchs that will follow.

[90] Of course, even though it is the most prevalent account, eunuchs were not associated with harems only in connection with Islam; both China (Mitamura 1970) and Hindu India (Artola 1975; Hiltebeitel 1980; Meyer 1995[1930]; Saletore 1974, 1978; Sharma 1984) are often illustrated as maintaining the institution. The roles of eunuchs in these other contexts, though, remain similar: as Keith Hopkins (1978) notes, outside of Islam, eunuchs were still were used as "private attendants upon women" (194).

Also associated with Islam is the connection between eunuchs and slavery, especially in South Asia. The harem was peopled, many scholars maintain, with slaves (Edwardes 1960; Hambly 1974). To quote Lal (1994): "Many if not most of the slaves were eunuchs. A Muslim king was unthinkable without his harem; a harem was inconceivable without eunuchs" (112). Gray (1908) asserts that castration and slavery were associated because emasculation caused docile behaviour, and removes the distractions of family so that the eunuchs are more faithful to their masters. Yet, as Mary Louise Pratt (1992) recounts, the accounts that many of these academics draw upon were the travel writings of Europeans in South Asia that depict the 'survival' of an encounter with the 'native' institution of sex slavery (i.e., harems). That is, they signify points of cultural difference; they represent "a 'safe' context for staging alternate, relativizing, and taboo configurations of intercultural contact" (87). In this way, the connection between slavery and eunuchs articulates a connection between Islam, sexual difference, family, and, to a degree, morality (or, more accurately, immorality).

A reoccurring theme is that of sexuality; the sexuality of eunuchs was a point of considerable academic discussion, especially in relation to the harem. While eunuchs were sometimes constructed as being heterosexual (Bullough 1976; Edwardes 1960; Jay 1993; Juynboll 1908; Lal 1988; Mitamura 1970), the most common depiction of the sexuality of eunuchs is oriented to men. Gray (1908) notes that eunuchs in India "ministered to unnatural sensuality" (583). Several scholars refer to eunuchs as sodomites in India, especially during the Mughal period (Hambly 1974; Saletore 1974). Of course, as the following quote from Allen Edwardes (1960) makes evident, such depictions speak more about the role of the sodomiser in the (Cryptocrystalline Orientalist) imagination than it does about the eunuch: "three out of five Arabs preferred the sexual service of a handsome young beardless lad or a serviceable eunuch to that of any beautiful woman" (186). In this way, the theme of sexuality participates in the Orientalist construction of Islam, if not India, most notably through the figure of the eunuch.

The linking of homosexuality and castration is a significant in its ubiquity, and therefore deserves attention. In an excellent discussion of this connection, albeit outside of the South Asian context, Anna Klosowska (2005) addresses the relationship between not only eunuchs and homosexuality, but also effeminisation of the eunuch[91] to these other two. Noting that the connection amongst these three can be traced in European medical and theological texts of the Middle Ages, she asserts that castration "may function as a thematic site or a quilting point leading to same-sex matters" (4-5)[92]. Reminiscent of Kuelfer's (2001), Williams' (1999), and Roller's (1997) claims that the eunuch functioned as a visible figure which could suggest something else -- the role of a particular type of masculinity, if not a way of understanding gender generally -- that was left unarticulated, Klosowska contends that eunuchdom acts as a site which allows one element "to be articulated (genital wounding) and the other implied (same-sex preference)" (23). That is, the visible implies and subtly evokes the invisible.

Not only were eunuchs connected to the harems, but they were associated with the operations of the state, as well as the king's court. One of the reasons given for the popularity of eunuchs in the state machinery was because of the loyalty that they were attributed. In the Chinese context, Jay (1993) states: "[t]he rationale for the social use of eunuchs in the palaces was precisely because their castration was supposed to cut off family ties and thereby ensure both chastity in the harem and loyalty to the ruler" (466). This logic was also applicable in the

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[91] This is a common characteristic attributed to eunuchs, even outside of South Asia, including Greece and Rome (Kuefler 2001; Nock 1925; Roller 1997; Williams 1999), Italy (Barbier 1996), and colonial Vietnam (Proschan 2002).

[92] Likewise, Craig Williams (1999) posits that castration was a point against which masculinity was measured: "[w]e might say, in other words, that the ... *gallus* [religious eunuch] were ideological scare-figures for Roman men: a man who flaunted his breaking of the rules of masculinity could be said to have taken the first step on the dangerous road to becoming a castrated priest of the Mother Goddess" (177).

Indian context where, as Lal (1988) asserts: "eunuchs could be trusted, they could be entrusted with responsibilities because they could nurse no private ambition. They could have no zenana of their own, no children and no heirs, and their wealth was after all to become the property of their masters" (59).

Yet, while eunuchs were depicted as trustworthy, they were also seen as unfaithful. This contradiction is present in many representations of eunuchs in South Asia, as well as in other areas (Hopkins 1978; Murphy 2004; Nock 1925; Roller 1997; Stevenson 1995; Tougher 1997). Part of their lack of trustworthiness is that they have particular personality traits. For example, Penzer (1936) argues that the qualities that are a consequence of being castrated are being "crude, ignorant, and corrupted" (132). Furthermore, he states that "[t]hey unite the small brain of the negro with the childish imagination of the ignorant Oriental" (145). Likewise, Saletore (1974) maintains that they are covetous, greedy, avaricious, and cheap. Lal (1988) purports that "some of them entertained feelings of hatred and treachery because of their irreparable physical damage" (59). Therefore, for Lal, the lives of the eunuchs made them ostensibly cruel and sadistic.

Through an examination of these connections, I will be able to lay the groundwork for how the *hijra* were understood as eunuchs in South Asia. Through the following discussions, it will become evident that the Cryptocrystalline Orientalist discourse, one that depicts Islam as despotic and immoral, underlies the construction of the *hijra*. Most notably, the *hijra* become figures that embody all of the negative representations of the Oriental eunuchs.

### *Eunuchs in Early European Accounts*

In the period preceding British rule in South Asia, the eunuch played an important part of in the European imaginary. Slowly, as travellers returned from their voyages to the subcontinent with stories about the 'Orient', the figure of the eunuch became an important part of the depiction of the area. Representing the Other of the Orient in these narratives, the eunuch was associated with Islam and slavery. However, unlike later depictions, they were not always portrayed as homosexuals, but were often thought to be a target of heterosexual jealousy.

Furthermore, they were constructed as both trustworthy and unfaithful, the contradiction of which can be explained by reference to the psychological effects of castration. Moreover, eunuchs were associated with teaching, although this reference is not as ubiquitous as the others. By the seventeenth century, eunuchs were being blamed for the perceived despotism that was associated with Muslim-run countries in the European imagination. It is also around this time that eunuchs became associated with same-sex desire, although not to a degree that pointed at a consensus of the writers.

The first series of accounts that I want to examine are ones that preceded British rule in India[93]. One of the first depictions of eunuchs in South Asia was recorded by the thirteenth-century Venetian explorer, Marco Polo. In his narratives, he supplies two references to eunuchs. In the 65th chapter of the second book (1948), he reports that, on the topic of the province of Bangala:

> [t]hey likewise make purchases of eunuchs, of whom there are numbers in the country, as slaves; for all the prisoners taken in war are presently emasculated; and as every prince and person of rank is desirous of having them for the custody of their women, the merchants obtain a large profit by carrying them to other kingdoms, and there disposing of them. (199-200)

Eunuchs, then, were made of conquered people for slavery and guardians of the *zenana*s. In another copy of his writings (2004), Polo, referring to the residents of Bengal, states: “The people are worshippers of idols, and amongst them there are teachers (eunuchs) at the head of schools for instruction in the principles of their idolatrous religion and of necromancy, whose doctrine prevails amongst all ranks, including the nobles and chiefs of the country” (98). This passage is of particular interest because of two reasons. First, the role of eunuchs as teachers will become one that is significant in the colonial imagination of the British. Second, while many later British writers associate such teachers with the eunuch of the Muslim *zenana* (Balfour 1976[1858]; Johnson 1863), Polo is referring to a Hindu instructor, one who might be thought of as practicing ‘idolatry’ and ‘necromancy’.

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[93] As I discussed in the first chapter, for the purpose of efficacy, I define this point of governance as the mid-eighteenth century.

Such a note could be thought of as one of the earliest references[94] to an institution of non-Muslim eunuchs in South Asia. Given that most references to eunuchs in harems are in the context of Islam, such an observation is significant.

Another explorer who recorded observations of India was Domingos Paes, whose accounts were probably written between 1520 and 1522 C.E. This Portuguese traveller, whose reports were captured in Robert Sewell's *A Forgotten Empire* (1986[1900]), visited the Vijayanagara Empire and, there, observed eunuchs in the context of *zenana*s. Guarding women where "no man" could enter, eunuchs gathered in numbers sometimes as great as 400. Eunuchs sometimes gained favour of the King and some even slept in his quarters; such a representation emphasised their trustworthy nature. However, it was their role as guardians that captured the writer's imagination. Furthermore, like the depictions of Polo, Paes' account can be interpreted as portraying a Hindu institution of eunuchs[95].

A second Portuguese traveller to Vijayanagara who was documented by Sewell (1986[1900]) was Fernao Nuniz, who probably originally penned his text between 1535 and 1537 C.E. He wrote that eunuchs were always in the King's chambers, and that they guarded, not the women, but the King. Further, Nuniz notes that there was one eunuch who worked as a captain who spied on the King. Also, eunuchs and women were represented as serving the King. Hence, eunuchs are trustworthy guards, who could rise to positions of power, but, as the story of the spy exemplifies, whose trustworthiness is potentially illusory.

In his *Early Travels in India, 1583-1619* (1921), William Foster wrote about two other early accounts of eunuchs. The British trader, Ralph Fitch, travelled in South Asia during the later sixteenth-century. He notes that eunuchs are the only men, other than the ruler, who enter the ruler's house, and, guard the women. Edward Terry, who worked as the chaplain to Thomas Roe, a figure who

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[94] There are several references to groups of people who have been thought to be eunuchs in various early Sanskrit texts. However, given the difficulty in interpreting the Sanskrit terms as 'eunuch', I find it problematic to consider these textual passages as evidence of eunuchs in 'Hindu India'. I will say more about this complicated subject in the next chapter.

[95] Vijayanagara was a Hindu kingdom, considered by many to be a Hindu stronghold against the Muslim conquest of South Asia (Fritz & Michell 1987; Sewell 1986[1900]).

I will discuss in a moment, was another British traveller to South Asia in the seventeenth century. Terry remarks that, not only do eunuchs serve the King his food, but: "There lodge none in the Kings house but his women and eunuches, and some little boyes which hee keepes about him for a wicked use" (311); this depiction links eunuchs with same-sex practice. Continuing the theme of associating eunuchs with the *zenana*, he comments that, "[t]he [Muslim] women of better fashion have eunuchs in stead of men to wait upon them; who in their minoritie are deprived of all that may provoke jealousie" (320). Yet, Terry, in his *A Voyage to East-India* (1777[1655]), tells a story of a Moghul leader who found a eunuch kissing his wife. As punishment, the wife was put to death, by burying her body and leaving only the head to stick above ground, a practice that allowed the sun to kill her. The eunuch, on the other hand, was cut into pieces in front of the woman. Such accounts continue to connect eunuchs to Islam, the harem, and servitude.

The English diplomat for whom Terry worked as a chaplain, Thomas Roe, also observed eunuchs in his stint in the Mughal court during the seventeenth century. In his book (1926[1899]), he mentions that King Jahangir "hath no man but eunuchs that comes within the lodgings or retyring roomes of his house" (85). Also, he recounts the story mentioned above, of the King who, when he discovered them kissing, put to death his wife and her amorous eunuch. These narratives also link the eunuchs to the *zenana* and Islam, but in a way that does not associate them with same-sex desire.

Emphasising the connection between the institutions of eunuchs and slavery, the Dutch merchant, Francisco Pelsaert (2001[1925]), who travelled in the early seventeenth-century, visited India. Remarking on the *zenana*s of Bengal, he states:

> Two or three eunuchs, or more, who are merely purchased Bengali slaves, but are usually faithful to their master, are appointed for each wife, to ensure that she is seen by no man except her husband. .... They are thus held in high esteem by their master, but the women pay them still greater regard, for the whole management of the *mahal* is in their hands, and they can give or refuse whatever is wanted. ... The wives feel themselves bound to

> do all this, in order that what happens in the house may be concealed from their husband's knowledge; for many, or perhaps most of them, so far forget themselves, that, when their husband has gone away, either to Court, or to some place where he takes only his favourite wife, and leaves the rest at home, they allow the eunuch to enjoy them according to his ability, and thus gratify their burning passions when they have no opportunity of going out; but otherwise they spare no craft of trouble to enable them to enjoy themselves outside. (65-66)

This account is particularly useful, since it captures many of the previously-mentioned themes. Eunuchs are depicted as trusted slaves who enjoy privilege (both sexual and material), which is dependent on blackmailing the women. Such extortion is premised on the violation of the very trust that has provided the dispensation of the eunuchs.

Also in the seventeenth century, Sebastiao Manrique, a Portuguese missionary and traveller, recorded some valuable observations. He travelled through many countries of the East for about sixteen years from 1628 to 1643. His travel accounts were first published in Rome in 1653 under the title *Itinerate Rio Dila Missionery Del India Oriental*, and were translated into English by Charles Eckford Luard in 1927. Like previous representations, Manrique states that eunuchs in the Mughal courts are many in number, well-dressed, and fulfill the role of servant -- both personal and Court -- to the King, as well as serve as messenger for the King. However, he provides a depiction of a eunuch that captures the valuation of the creature. While visiting Arakan, a region east of the Bay of Bengal, in modern Myanmar, Manrique received a meeting with the King and, when he arrived, was met by "an ancient hump-backed eunuch ... whose villainous countenance would instantly have stopped the cries of the nosiest child" (142). Referring to the eunuch as a 'monstrosity' and a 'demi-man', Manrique continued: "[i]t flashed through my mind that perhaps the enchantments [of legend]... had been revived, and hence we ... were to see dwarfs and other monstrosities such as the eunuch we had just seen, and I am convinced that nothing of more villainous face or form could exist" (143). This narrative of the eunuch portrays him in the negative terms of a villainous and monstrous being who was not quite a man and whose existence itself is almost magical.

Another seventeenth-century traveller in India, one who worked as a physician to the Mughal Emperor for twelve years, was Francois Bernier. This French writer primarily notes the role of the eunuch in the Mughal *zenanas*. However, they were also messengers, governors, and warriors (especially the famous Shah Abbas). While they were represented as trustworthy, the corruption of the eunuch always lay just below the surface; they were often embroiled in political plots to kill the King and were often involved in romantic trysts in the harem. Part of the reason for this is the dual nature of eunuchs. In the words of Bernier:

> Emasculation, say the Indians, produces a different effect upon men than upon the brute creation [animals]; it renders the latter gentle and tractable; but who is the eunuch, they ask, that is not vicious, arrogant and cruel? It is in vain to deny, however, that many among them are exceedingly faithful, generous, and brave. (1989[1934]: 131-132)

One reason for their contemptible personalities is that, according to the author, they are slaves who are castrated, a condition that inspired such viciousness and cruelty. Reminiscent of the observation of Marco Polo, eunuchs are also teachers; they raise the royal sons in the *zenana*. However, Bernier maintains that such a forum creates the despotism for which the East was despised: "the misery which inflicts the empires of Asia, of their misrule, and consequent decay, should be sought, and will be found, in the deficient and pernicious mode of instructing the children of their Kings" (144). Bernier goes as far as to blame such despotism on the immoralities of the rulers: "In a word, the Kings of Asia are constantly living in the indulgence of monstrous vices, those vices varying indeed, as I said before, according to their natural propensities, or to the ideas early instilled into their minds" (145). Hence, eunuchs are associated with the despotism with which the European travellers depicted the Asian lands.

This critique of the political system of the Mughals is also evident in the works of another seventeenth-century traveller, John Fryer. In his famous book, originally written in 1698, *A New Account of East India and Persia* (1909-1915), Fryer, a surgeon for the East India Company, suggests that learning in the home, where the rich students are "conversant with Toothless Old Women, Ignorant and Effeminate Eunuchs" (1915: 39), creates rulers that know more about what is in books than what happens in the world. Such a narrative connects the eunuchs with both ignorance, presumably based on their lack of exposure with the world outside of the *zenana*, and their lack of masculinity. Other than teachers, eunuchs are also depicted as leaders of state, guardians and spies of the *zenana* (1909). The relation to the harem is a consequence of the "incontinent in their Desires, for which reason they dear them the sight of any thing Male, but their Lord" (1909: 328) and their "incapable of enjoyments" (1915: 125). Such psychological predispositions, resulting from their lack of penes, intersected race in Fryer's work. He maintains that there is a different between the Black Eunuchs and the White, with the former being more prone to 'mischief' and the latter "being generally more sparing of Life, and less inclined to such unnatural Barbarities" (1915: 55). Eunuchs are further described as "those disabled from being men" (1915: 125) and "being most exquisite in the Art of Bawdery, and impure Assistants to Lechery" (126). These last words associate the castrati with same-sex desire.

Finally, the Italian traveller, Niccolao Manucci (1709), who worked in the Mughal court in the late seventeenth century, reports that eunuchs were primarily involved in the maintenance and guarding of *zenanas*. He records that eunuchs functioned in great numbers as accountants, messengers, organisers, and gossipers. Furthermore, Manucci comments that they are servants and teachers, and are brave and faithful. In fact, the writer depicts eunuchs in terms of 'faithfulness' often and with regularity. Yet, they are involved in court intrigues; in one story, a eunuch attempted to assassinate a Governor who he was able to gain close access to because the political leader trusted the eunuch. Such a violation of the trust of the eunuchs is a theme that has been present in previous narratives.

In these accounts prior to British rule, then, several themes emerge. The institution of eunuchs was represented as a product of slavery, one which supplied the *zenana*s with loyal and trustworthy guards, organisers, and servants. However, eunuchs in this position presented a problem. Their faithfulness and, for some, lack of sexuality that made them so useful was impeded, in the eyes of the European travellers, by other personality characteristics: they were villainous, vicious, arrogant, cruel, bawdy, lecherous, and corrupt. Consequently, they also were employed as spies, a position that made sense given these undesirable character attributes. Yet, they were not always depicted as having no sexual desire: some writers recounted stories of their heterosexual escapades, while others hinted at their same-sex desire. Certainly, then, there was little consensus on the details of their sexual nature, even though the importance of defining them in terms of sexuality was important. Furthermore, eunuchs were portrayed as servants to the King, messengers, political leaders, and warriors. Their positions often bestowed on them privileges to which others would not have access. However, such privilege could not remove one of the greatest hindrances that the Europeans saw them as possessing; that is, they were often described as not men. Finally, eunuchs were associated with Islam, even though some of the passages, most notably those written by Polo and Paes, could be read as linking them with Hinduism.

### ***Eunuchs and the* Zenana**

Many of these themes continued in the accounts of the British. In such narratives, the institution of eunuchs, as separate from that of the *hijra*, is almost exclusively connected to Islam. This is significant, since, by connecting castrati to Islam, traits of despotism and immorality are emphasised, privileging what I call a Cryptocrystalline Orientalist discourse. One of the main sites for these often articulated representations is in the harem, or the *zenana*. The Persian term most used for a eunuch in the *zenana* is *khoja* or *khwaja*. These terms are considered as synonymous with 'eunuch' by many British authors (Balfour 1976[1858], 1967 [1858]; Gilchrist 1787-1790, 1798, 1800; Harris 1790; Haughton 1987[1833]; *The Indian Vocabulary* 1788; Johnson 1863; Roberts 1800; Wilson 1855). Furthermore, the word 'harem' is linked to Arabic. Horace Wilson (1855) defines *haram* or *hurum* as an Arabic word meaning: "Sacred, forbidden, closed to promiscuous access; hence applied to a female connexion or relative; also to the private or women's apartments, the Harem of European writers; also to the sacred circuit round the temple at Mecca" (200). He notes that the term is separate from the Arabic '*haram*' which means unlawful. Similarly, Edward Balfour (1967[1858]) argues that the Arabic *haram* is from the word meaning sacred, and not unlawful. This, however, is a contentious point, as both Cory Reed (1999) and Rajaram Saletore (1978) contrast the term with *halal*, or lawful, maintaining that the Arabic root of harem refers to that which is "unlawful or socially taboo" (Reed 1999: 200). *Zenana*, understood as a word rooted in Persian (Gilchrist 1787-1790), was also considered a synonym for harem by British colonialists in India. The use of these two terms -- as opposed to the Sanskrit *antahpura* -- indicates that the notion that the harem is connected to Islam. Moreover, the terms harem and *zenana*, not to mention the Italian word 'seraglio', all depicted a specifically Muslim space for women.

A common representation of eunuchs is as attendants and guards in the Muslim harem. While several authors claim that eunuchs worked inside the *zenana* (Balfour 1967[1885]; Khan 1986[1926]; Knighton 1855; McCosh 1856; Mill 1826[1817]), others assert that the eunuchs guarded the entrance to the harem and that only women were allowed access to the interior (Forbes 1988[1813]). In her *Wandering of a Pilgrim* (1850), Fanny Parkes observes that "those men, chiefly Africans, who were employed inside the zenana (and there were abundance of these frightful creatures), were all of the same class as the celebrated Velluti[96]" (88). In fact, Helen Mackenzie (1853), the wife of the eminent orientalist, Colin Mackenzie, also notes that it was 'black slaves' that admitted her to the *zenana*. Given the sensitive nature of the space of the harem, male Europeans were rarely allowed entrance. Bartholomew Burges (1790) records that he, a male European, had been granted access to a seraglio because the *Nawab* considered him a son, and consequently allowed him into the space that normally would only allow male family members. The eunuch that allowed him access was an Abyssinian[97]. What is important for me from these narratives is that the authors thought that race was a significant part of the description. That is, race was significant and made the story intelligible in the eyes of those who recorded these accounts. The reason for this can only be understood through the perceived connection between eunuchs and slavery, a topic that I will discuss soon.

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[96] This refers to Giovanni Battista Velluti, an Italian castrato who performed in London, England in the early nineteenth century.

Eunuchs are also tied to the harem through the immorality of the latter. To explain this, however, I must provide a brief discussion of some of the discussions surrounding the seraglios. The *zenana* was a space that was greatly criticised by many British authors. This institution was understood to represent a place in which women were imprisoned and kept from the participation in the outside world (Arthur 1902[1847]; Butterworth 1887; Forbes 1988[1813]; Hockley 1874[1827]). In his early-twentieth-century piece, *Marathas and Dekhani Musalmans* (1908), Robert Mitchell Betham wrote that such a segregation of women was a result of "the laxity of morals prevalent in the Prophet's time" (113). One series of organisations that targeted the evils of the harems in India was called the Zenana Missions. These religious organisations[98] worked to evangelise and education Indian women as well as, in the words of Eliza Kent (1999), "to transform Indian women into suitable wives and mothers for a new generation of 'civilized' Indian men" (118). This demonstrates that the various groups had as one of their main goals the civilising mission. Such aims were premised on the pain that such women suffered in the *zenanas*. In other words, the ideology of the Zenana Missions was one that "started from a fixed image of the degraded Indian woman" (Savage 1997: 202). This is well captured in the words of C. M. Wiseman in the preface to W. H. Jackson Picken's *From an*

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[97] Another writer who depicted eunuchs in the *zenana* as either Black or Abyssinian slaves who were castrated at a young age was Roberts (1843).

[98] According to Kent (1999), the number of these organizations was many, including: Society for the Propagation of Female Education in the East (SPFEE), Baptist Ladies Missionary Society, Free Baptist Women's Missionary Society, Women's Board of Missions of the Congregational Churches, Methodist Episcopal Women's Foreign Missionary Society, Women's Foreign Missionary Society (Presbyterian), London Missionary Society, Baptist Missionary Society, Indian Female Normal School and Instruction Society, Society for Promoting Female Education in the East, and Ladies' Association for Promotion of Female Education.

*Indian Zenana* (1892): "We English women, who are accustomed to education, freedom, and liberty, enjoying social intercourse and happy home life, can scarcely understand the trammels, by which millions of our sisters in India are condemned to a life of hardship and imprisonment" (5). Such sentiments are present in many writing from authors in the Zenana Missions (Armstrong-Hopkins 1898; Hewlett 1886; Joseph 1887; Leslie 1868; Pitman 1884). One of the reasons, however, for the deplorable position that women were placed in the *zenana* is polygamy. In their *Light through Eastern Lattices: A Plea for Zenana Captives* (1884), the Society for Promoting Female Education in the East assert that women in the harems owe their woes to "the envy, hatred, jealousy, and all uncharitableness arising from the institution of polygamy, which poison even the sweet springs of motherly and wifely love" (2). Polygamy, then, was an essential part of the harem in the British imagination.

Polygamy is depicted as a gross evil by many British writers, in the context of the *zenana* and outside of it. Polygamy is depicted as malevolent, barbaric, and a source for a variety of immoralities, including infanticide and political excesses (Crooke 1906; McCosh 1856; Tod 1914[1829-1832]; Ward 1970[1822]). For example, William Ward, in his *A View of the History, Literature, and Religion, of the Hindoos* (1824), declares that "[p]olygamy ... tends still more to destroy all rational domestic society" (31). Echoing his sentiments, Helen Mackenzie (1853) states, "[p]olygamy has destroyed everything like domestic and family ties" (237). These attitudes are also evident in Horace Wilson's (1978[1862]) words: "the practice of polygamy ... involv[es] the utter degradation of the moral virtues and intellectual energies of the man, and is utterly destructive both of public advancement and domestic felicity" (59). The practice of polygamy, however, while occasionally mentioned in relation to Hindus, was most often articulated in connection with Islam and the *zenanas*. In their *Report on the Census of India, 1901* (1903), Herbert Risley and Edward Gait assert that polygamy is almost absent except amongst "wealthy Muhammadans" (447). Thus, polygamy is constructed as an evil and is connected to Islam and the harems.

Bringing this brief discussion back to eunuchs, one of the many 'vices' that polygamy causes is the institution of eunuchdom. In an excellent illustration of this argument, John Brown (1796) proclaims that "polygamy must occasion castration, self-pollution, sodomy, bestiality, or the like abominable conduct, wherever it much obtains" (20). This is echoed by John Shortt (1873), who states that the institution of castration will continue as long as polygamy exists:

> it is possible that as the light of civilisation dawns, and Christianity penetrates the dark recesses of the zenanas, this vile system [of maintaining eunuchs] many be abandoned as woman becomes an intelligent being, and not the caged animal she is at present considered to be, the mere toy to the lustful passion of man. (404)

That is, as Muslim women become 'intelligent' and manage to dismantle the *zenana* institution, they will no longer require eunuchs to guard them.

Several things are going on in this complicated field. The *zenana* is by no means an innocent construction, but one that, as Everett K. Rowson (1991) maintains, is a site of sexual excess and lust. Such a location functions to Other, not just the Muslim person, but the culture that sanctions such an institution. Moreover, following the arguments of Inderpal Grewal (1996) the *zenana*, "operates powerfully within the Romantic discourse of 'Othering' pervasive within modernist notions ... and enables imaginings of the nation as a community, serving as the 'outside' that ... is necessary for the nation to narrate itself" (6). The female bodies of the harem, through their created pain and suffering, provide a situation against which the nation can define itself; by contesting this so-called evil, a national consciousness arises, one that characterises itself in opposition to not only the supposed immoralities of the *zenana*, but the Islam that sired such a monstrosity. Calls to action against the harems, then, can also be read as attempts to mobilise, if not embody via the act, a nationalistic agenda. Thus, the representation of the Muslim Other as immoral and excessively sexual existed in order to enable a particular nationalism.

The figure of the Muslim eunuch, then, served to connect the ideological construction of the *zenana* to Islam via the immorality of polygamy. The culture of Islam, as it was understood by the Cryptocrystalline Oriental discourse of the

British imperialists, was flawed and barbaric, especially as compared to the notions of British propriety evident in monogamy and Christianity.

### *Eunuchs and Slavery*

Representing another important theme, eunuchs were associated with slavery, especially through a connection with Islam. This intersection of eunuchs, slavery, and Islam points to some complicated aspects of the colonial imagination. Not only does it speak to the slavery of the Hindus, who were considered effeminate to the slaving masculine Muslim in the British imagination, but it reflects the anti-slavery debates that were ongoing in Britain. Drawing on these two lines of argument, through the use of the notion of slavery, the British writers constructed a Muslim state that was immoral and despotic, articulating Cryptocrystalline Orientalism.

As mentioned above, the importance of race in the accounts of *zenanas* evokes the notion of slavery. Slavery was most often represented as the way in which Muslims gathered the men who would become eunuchs. Norman Chevers (1870[1854]) speaks not only of the slave trade that produced castrati, but notes how such a traffic was institutionalised in religious customs. In the context of providing a historical reference to Mughal rule, British colonial historian, economist, and one-time treasurer, Robert Montgomery Martin (1884) refers to the:

> infamous practice, long used in Silhet and other dependencies of Bengal, of compelling the people to sell their children, or else emasculate and deliver them up to the governors of those provinces in satisfaction for their rents[99], -- by which means some thousand eunuchs had been made yearly. (120)

In a quote that exemplifies the colonial attitude to masculinity between the two dominant religions in India, James Mill (1826[1817]) states: "In truth, the Hindu, like the Eunuch, excels in the qualities of a slave" (ii. 113). Thus, the previously mentioned references to the races of the eunuchs point to the foreign nature of such persons, an allusion to the fact that they were acquired via the slave trade. Further, Mill's passage demonstrates the association between masculinity (or the lack thereof), slavery, and the despotic nature of Islam, as is present in the Cryptocrystalline Orientalist discourse.

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[99] See Gladwin (1788) and Ward (1824) for other references to this practice.

Through connecting slavery with eunuchs, especially in the context of anti-slavery attitudes and laws in both England and the colonies[100], such representations can be read as speaking out against a culture that many, if not most, Britons define as despotic. That is, these passages serve to justify the antagonism of the British towards the Muslim government. The oppression of Muslim rule was noted by several colonialists (Arthur 1902[1847]; Knighton 1855; Mill 1826[1817]; Wheeler 1972[1878]). For instance, James Forbes (1988[1813]) maintains:

> In the court of an Asiatic sovereign we look in vain for true magnanimity: the nobles approach him with distrust and fear, conscious that his frown deprives them of life; ... those in the middle walk of life, instead of being subject to one tyrant, are oppressed by numerous petty despots, who, dead to every feeling of humanity, rule them with a rod of iron. (235)

Also, Mark Wilks (1810) repeatedly refers to the despotism of the East:

> The immemorial despotism of the East is a fact so familiar to every reader, that it seems to be received, as were receive the knowledge of a law of nature, without any troublesome investigation of the causes which produce an effect so wonderful and invariable. (i. 22)

One reason that Muslim leaders become such despots, some British writers assert, is because they are raised in *zenanas*. William Sleeman, in his diary published as *Sleeman in Oudh* (1975[1852]), asserts that, because the sovereign, Wajid Ali Shah, was raised in the zenana, his "understanding has become so emasculated, that he is altogether unfit for the conduct of his domestic much less his public affairs" (101); such a reference to understanding as 'emasculated' evokes imagery of the eunuch. Elsewhere, Sleeman (1844) argues that men raised in such *zenanas* are reduced to a "state of mental imbecility" and are "often utterly unable to act, think, or speak for themselves" (332). Also, linking the *zenana* to debauchery in the context of a Sikh leader, William Osborne (1973[1840]) comments that the subject of his book, Runjeet Sing, was brought up:

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[100] Slavery was abolished in the Company's territories by Act I of 1843. Before this, Regulation X, 1811, prohibited the sale or purchase of slaves.

> in the idleness and debauchery of a Zenana, by the pernicious influence of which it is marvellous that the stoutest mind should not be emasculated, and the acutest faculties not be irretrievably blunted, he appears from the moment he assumed the reins of government to have evinced a vigour of understanding, on which is habitual excesses, prematurely fatal as they proved to his bodily powers, produced no sensible effect. (38)

Thus, in the British imagination, through the figure of the eunuch, the indigeous -- especially Muslim -- government was necessarily flawed and despotic. For these writers, it would be a great benefit, if not a moral imperative, for such an administration to be replaced by the more benevolent and magnanimous British system.

The relationship between eunuchs and despotism through the rubric of slavery allowed the various authors to voice a moral critique of Islamic governance. This is exceptionally clear in the words of James Wise, a civil surgeon in Dhaka in the 1860s, who, in his *Notes on the Races, Castes and Trades of Eastern Bengal* (1883), asserts:

> Wherever Muhammadan rule exists, slavery is developed, and during the centuries of misrule and oppression, through which Bengal passed, slavery was accepted by the Hindus as a refuge for their troubles. Bengal has for its encouragement of slavery always possessed an unenviable notoriety, and the Delhi Court obtained not only its slaves, but also its eunuchs, from the villages of Eastern Bengal [...which] added to the number of Islam. (358)

Consequently, the institution of slavery, especially as it is articulated through the figure of the eunuch, hides a sinister goal behind the Islamic governance: religious conversion. Also, this quote captures the Cryptocrystalline Orientalist notion that Islam is corrupting; if it were not for the influence of this religion, slavery would not have come to South Asia. Moreover, such depictions were often used as a call to action. John McCosh, (1856[1841]), in the context of discussing the institution of eunuchdom in Islam, declares: "the perpetration of such an act in any other region of the British dominions would be an act of felony.

The time has come when such unconstitutional practices should be suppressed, by making them penal!" (207) In fact, many writers, including Theodor Willem Juynboll (1908), maintain that slavery is directly related to eunuchism in Islam; "[u]ndoubtedly by the abolition of slavery the last eunuchs will soon disappear from Muslim territory" (585). Even D. Campbell, Acting Superintendent of Police in Madras, who was under the impression that Muslim *zenana*s were the primary targets for the slavery trade, called on the British Government to create a local regulation to institutionalise the call for:

> [the *Nawab*] and all the members of his family to send every child that they may hereafter be desirous to purchase as a slave to the Police Officer, in order that previously to the purchase, due enquiries may be instituted to ascertain that they have not been kidnapped from their parents, and that I should be authorized by Proclamation to require all other Mussulmans to adhere to the same rule.[101]

Eunuchs, then were understood as part of a larger conversation, one that critiqued Muslim rulers as despotic and immoral.

### ***Eunuchs as Lacking Sexual Desire***

Another theme of the representation of the eunuch was in terms of sexuality. Like many of the earlier European accounts, most of the British focused on the lack of sexual desire of the eunuch. Some of the British authors argued that this lack of desire also was used to explain the trust that the Muslim rulers placed in the eunuch. These qualities are important, I will argue, because they are framed within a logic that excludes non-procreative persons from the rights of inheritance.

However, before I can speak to this last point, I must explore how the asexuality of the eunuch was constructed. The relationship between eunuchs and the *zenana* is also one that is prefaced on the sexuality of the former. While they are often represented in terms of same-sex practices, eunuchs are also depicted as non-sexual beings, a characteristic that allowed them to operate amongst the women of the *zenana*. As an example of this, I draw on the observations of

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[101] B.L.: IOR/F/4/702/19065. A Letter from D. Campbell, Acting Superintendent of Police in Madras, to D. Hill, Chief Secretary to the Government (23rd June 1818).

Thomas Williamson, documented in his 1810 *East India Vade-Mecum*. A captain in the Bengal army, the author states that *zenana*s were necessary because of the religious customs of Islam, combined with the jealousy with which the Muslim men treat their wives, the sheer number of wives that result from such a polygamous practice, and the instability of the government and subsequent confusion in the country. The Qur'an, according to the author, states that men should not show the women of the *zenana* to any man, excluding male family and "male servants of the following description: such as old men, eunuchs, debilitated men, or fools, who think of nothing but eating" (349). The underlying theme in the representation of these servants is their lack of sexual desire. In the words of McCosh (1856[1841]):

> It is notorious that the attendant of every ZENANA, and many of the favourites about native courts, are creatures of no sex at all: emasculated in early boyhood like pigs and rabbits with impunity -- and with the same object in view, that of bringing a higher price in the market than ordinary humanity. (206)

In this way, eunuchs are linked with their sexlessness, through their association with the Muslim *zenana*.

Such lack of sexual desire, coupled with their reliance on their benefactor, created a situation that various colonial writers understood as constructing the figure of the eunuch as one that is trustworthy. Meer Hassan Ali, a woman who married a Muslim man in Lucknow, notes, in her *Observations on the Mussulmauns of India* (1917), originally written in 1832, that eunuchs:

> are in great request among the highest order of people, and from their long sojourn in a family, this class of beings are generally faithfully attached to the interest and welfare of their employer; they are much in the confidence of their master and mistress, and very seldom betray their trust. Being frequently purchased, whilst children, from the base wretches who have stolen them in infancy from the parental roof, they often grow up to a good old age with the family by whom they are adopted; they enjoy many privileges denied to other classes of slaves; ... still 'he is but a slave', and when he dies, his property reverts to his owner. (39)

This captures two aspects of the eunuch quite well. First, the passage demonstrates the trust that Muslims were seen to put into the eunuch. Of course, such trust must not be overstated; eunuchs were also seen as cruel. The castrated slaves, argues William Knighton (1855), were responsible for the punishments and tortures in the *zenana*s, which "they seemd to inflict with a certain degree of gusto and appetite for the employment" (161); that is, eunuchs were constructed as cruel (see Beale 1881). Second, Ali's extract exemplifies the consequent power and privilege with which the eunuchs were endowed. While such confidence and power have been recorded by other authors (Burges 1790; Ebden 1855; Knighton 1855; Mill 1826[1817]), this passage from Ali demonstrates the association between these attributes and the escheating[102] of all wealth to the ruler. Such an understanding of the relation between eunuchs and property, especially in a context of trust prefaced by the lack of desire, is important: it points to a conception of inheritance rights that excludes those who do not procreate.

### *Semiotic Reassignment: The* Khoja *and the* Hijra

The eunuch of the *zenana* was certainly represented as a nefarious character, albeit one that invited a degree of trust. Indeed, British writers viewed them positively in other contexts, too. In fact, there was a contradiction in their depiction, since, on one hand, they are trusted figures who serve the King, while, on the other hand, they are considered unfaithful. This paradox is a useful site for analysis, since it is a space where the positive attributes of the eunuch are thrust onto the figure of the *khoja* and the negative characteristics are attributed to the *hijra*. This technique in which the meanings of a term is divided into positive and negative attributes, with each being attributed to a different type of person, is what I call a semiotic reassignment. In this case, the British separated the term eunuch into two, and associated the *khoja* with positive characteristics: hermaphrodites, or 'natural eunuchs'; lacking sexual desire; object of respect and trust; influential standing in the community; guards of the *zenana* who live reproachless lives; and wearing men's clothing. Representing the mirror image to the *khoja* is the *hijra*, who has the opposite qualities: castration; sodomites;

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[102] Also see William Sleeman's discussion of the same practice, in his entry for January 15, 1850 (1975[1852]: 175).

despised and ostensibly immoral objects of scorn; dancers and prostitutes; and transvestites who are rude and partake in alcohol and drugs.

However, this semiotic reassignment was not ahistorical; while much of the above analysis focuses on the synchronic axis, this reassignment takes into consideration a more diachronic one. While the differentiation between the eunuch as *khoja* and *hijra* might have been a reoccurring theme through much of the nineteenth century, the semiotic reassignment that was attached to this separation was an occurrence that could be located at a particular site: the 1850s. Furthermore, this semiotic reassignment was being articulated by those within a particular field: medical officials.

Before I begin my discussion on the semiotic reassignment, I want to first set the stage for this topic. Well before the 1850s, the British in India originally supported the institution of eunuchs in particular contexts. When such castrati were attached to Muslim culture, one that they were dedicated to upholding in the law, they were far more accepting of such persons. For instance, in the 1830s, the British East Indian Company in Madras gave money to support the *zenana* of former Sultans of Mysore, Hyder Ali Khan Bahadur and his successor and son, Fateh Ali Tippu, which included several eunuchs[103]. Furthermore, the Company in Madras sanctioned the appointment of a Head Eunuch to the palace of Sultan Tippu, upon the death of Aftaub Khan, who had previously held this position[104]. Moreover, in this situation, the privacy of the *zenana* was respected and institutionalised under early British law (*The Rules and Orders of the Supreme Court of Judicature, at Fort William in Bengal* 1799).

While this support for the institution of eunuchs did characterise the way in which the British originally dealt with these individuals in India, it also served as a legacy that continued for most of the nineteenth century. In fact, such a valuation of culture continued to be esteemed[105], as long as it did not violate criminal law. According to Act X of 1872, it was decided that women in *purdah*, or who were segregated from the outside world, would, in certain cases, still have to appear in a court of law (Ishaq 1898). In the case of an 1882 petition of a Muslim female named Faridunnissa, the woman was not brought into court to appear, because her position as a complainant and not merely a witness "materially altered her position as regards the question whether she ought not to be exempted from personal appearance in Court" (Ishaq 1898: 1041). Further, in the context of this petition, it was decided that "[w]itnesses in criminal cases should not be examined by commission execpt [*sic*] in extreme cases of delay, expense, or inconvenience" (1041-1042). If such women were demanded to come to court, according to the notes on the 1889 petition of Basant Bibi, they could do so "either in an empty Court-room in the presence of himself [the Magistrate], the accused and the pleader for the prosecution, or if no empty Court-room were available, in his own private room or some other room in the Court-building" (Ishaq 1898: 1259). Eunuchs, therefore, played a significant part in supporting the ideology of 'Oriental' rule, one that produced the colonial nation-state.

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[103] B. L.: IOR/F/4/1591/64564. Register of the Ladies of the late Hyder ally Khan and Tippoo Sultan with their slaves, Dawyies, and Eunuchs (1st November 1834).

[104] B. L.: IOR/F/4/1591/64564. Extract Political General Letter from Fort St. George (2nd October 1835).

[105] The privileging of 'Oriental' culture has a long tradition in the realm of British colonial law. While criminal cases were eventually subsumed under the Indian Penal Code, or Act XLV of 1860,

However, while this depiction of eunuchs spread across the nineteenth century, not all ways of comprehending eunuchs in India by the British were so consistent. Another way that the eunuch of the *zenana* was depicted in a favorable fashion is in its comparison with another type of eunuch, the *hijras*[106]. Through this comparison, valued traits were located in members of one group, the *khoja*, while negative traits were attached to members of the other group, the *hijra*;

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originally crimes such as murder were governed under the separate codes of Hindu and Muslim law; this is an instance of the ideology of self-governance, a philosophy that valued 'Oriental' self-rule, albeit administered by colonial authorities. An example of this can be seen in three court cases: the Government against Rujjooah on 27th October 1809; Mussummaut Panchee against Gocul Naik, of 26th April 1814; and the Government against Gholam Mullik on 22nd September 1820 (Macnaughten 1827). In all of these trials, the men who killed another for having adulterous relations with their wives were not punished under British law, since the understanding of Muslim law, which governed the accused of the three cases because they were Muslim, was such that this type of homicide was not punishable by death. In fact, in the last two cases, the accused was immediately released, while, in the first trial, the prisoner was sentenced to seven years in prison.

[106] While this separation of the *khoja* and the *hijra* is a common theme, it is by no means in ever writer's account. In the work of Roberts (1843), for example, he depicts the *hijra* as eunuchs who are robust, muscular, healthy beings who had no sexual desire and sometimes guarded the *zenanas*. However, he does contrast them with another eunuch class, the Fakir, who Roberts describes as thin, weak, and had a feminine voice, which were all characteristics caused by abstinence.

that is, through a semiotic reassignment, different meanings were imputed onto different types of eunuchs. In her excellent article, '"Go suck your husband's sugarcane!" Hijras and the use of sexual insult', (1997) Kira Hall states that:

> During the early 1800s, the status allotted to the court eunuch was mapped linguistically onto the 'natural' hijra; that is, the term *khoja*, a derivative of *khwaja*, came to represent 'hermaphrodites' in addition to court eunuchs, and both were defined in opposition to the more vulgar, artificially created *hijra*. Later in the same century, the more prestigious term *khoja* was, for the most part, lost on Hindi-speaking society, and natural eunuchs as well as castrated eunuchs were conflated under the single term *hijra*. (436)

The castration of the *hijra* was constructed in opposition to the ostensibly non-castrated *khoja*, allowing the latter to have greater status than the former. Such a conflation of hermaphrodite with 'natural eunuch' was present in several British texts (Haughton 1987[1833]; Shortt 1873; Thurston 1906); I will expand on this in the next section.

In Henry Ebden's (1855) article, he draws on the observations of the surgeon, T. B. Wright, who contrasted *khojas* with *hijra*. The former, Wright asserts, experience no sexual desire, are effeminate, have weak and woman-like voices, have no hair on face, chest, or pubes, and their pelvises are wide. They are in great demand in *zenanas*, and are trustworthy, and can climb to positions of influence, thereby acquiring titles such as *Nawab* or *Musheer*. They are further depicted as being respected and moral in character. In contrast, *hijras* or Hegiras dance for a living, and engage in "more disreputable and revolting practices" (523). Wright represents them as despised and immoral. Further, unlike the effeminate *khojas*, this other group often grow beards and have 'manly' voices. In Ebden's article, several other sources, such as Dr. J. C. Bow of Meywar Bheel Corp and the Sub-Assistant Surgeon Bholonauth Dass from Ajmere, note that eunuchs who are not employed in the *zenana* are despicable and engage in "immoral and unnatural practices" (522), while those who are so occupied are respectable, trusted, and gain influence.

Norman Chevers (1870[1854]) concurs with this depiction. Drawing on the 'native doctor', Macpherson, Chevers compares the *khoja* with the *hijra*. The former are "eunuchs employed to guard zenanas, and others who, though equally mutilated, and this is always as children or in their boyhood, invariably wear men's clothes, and live a reproachless life" (708). 'Hijeras', on the other hand, wear women's clothes, dance and beg for alms for a living, and engage in sodomy.

Both Wright (as referred to in Ebden) and Chevers were two of the first writers who use this semiotic reassignment to differentiate the *khoja* and the *hijra*. Moreover, they were both medical officials. This commonality points to a significant site in the understanding of the eunuch; what happened in the 1850s in medical understandings that produced this semiotic reassignment? As I will elaborate on in the later section on hermaphrodites, in the middle of the nineteenth century, medical discourses of the body became far more normative; they supported the Imperial agenda in subtle ways. Part of the reason for this, I will argue, is that gender is becoming a way of controlling the colonial population. The medical gaze was one important technology of governance in colonial India. One way that this is evident is in the obvious discomfort around the perceived gender violation of the *hijra*. The *hijra* was the cross-dressing sodomite who engaged in morally-questionable activities. In associating them with ostensibly negatively attributes, especially as being despicable and reviled, these traits, and the subsequent gender violation, are devalued. Moreover, these 'gender deviants' were masculine (i.e., had hair and manly voices and were muscular); such a gendered embodiment represented a violation, since, as I discussed earlier, eunuchs were thought of as effeminate. The *khoja*, on the other hand, did not challenge gender norms as much. They wore men's clothes, had no sexual desire, and performed an important function in the *zenana*. By representing them positively in the context of the negatively-portrayed *hijra*, the medical authorities articulate an approval of their lack of gender violation. Further, they were not masculine; they were effeminate, with a lack of masculine qualities. Their lack of masculinity was intelligible with their castration in a way that the masculinity of the *hijra* was not. Thus, the population was being controlled, albeit by the medical officials who, I argue, accepted the symbolic order of Empire, by defining deviations to gender as immoral.

Yet, this semiotic reassignment was articulated in the 1850s. This is important because it indicates that something was significant about this time. In fact, there was: the 1850s represented a time of instability, especially in the form of the 1857 Revolution. I will expand on the changes that this decade brought, specifically in terms of transformations in the representation of eunuchs *qua* the *hijra*, in chapter eight. Suffice for now to say that this semiotic reassignment refers to the importance of changes in colonial governance in this decade.

With the logic of the semiotic reassignment established in the 1850s, it grew in use in the following decades. In the 1870s, John Shortt (1873)[107], an anthropologist, compares the two types of eunuchs. *Khojas*, "though eunuchs, were highly respected, held charges of considerable trust, and were Mohammedans by birth" (405). In addition, they were feminine in their features. In contrast, 'Higras' were masculine in their strength and muscularity, and dressed in women's clothes and emulated other aspects of feminine manner and speech. These eunuchs also sing rude and vulgar songs, and, at night, engage in activities of "debauchery and low practices" (406); they hire themselves out to Muslims and drink and do drugs.

However, this semiotic reassignment is no where better articulated than in the discussion surrounding the Bill that eventually became Act XXVII of 1871. Such an exposition demonstrates how the semiotic reassignment had worked its way into the colonial administration itself. While I will discuss this Bill and subsequent Act in more detail in chapter eight, it would suffice for me to say, here, that this Bill proposed to create legislation that would force all eunuchs to register with the local government, in an effort to control the kidnapping of children and their forcible castration, and the sodomical practices of the castrati. When the Bill was proposed, several prominent British legislators, judges, and police officers were requested for comment. In one case, John Strachey, a member of the Council of the Secretary of State and later author of *India* (1888), supported and forwarded a letter from Syud Ahmed Khan Bahadur, who differentiated between

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[107] Shortt not only connected castration to Islam, but he did it through the notion of polygamy: "At the present day the practice as a system is entirely confined to Moslem communities and countries where polygamy continues rampant" (403). This ties in to what I discussed in the earlier section.

*khojas* and *hijras*. The former, or *Khaja Sarais*, "act as custodians of the zananas of the Indian princes and noblemen; and as they are exclusively confined to their master's domicile, no opportunity is afforded them of outraging public decency by any immoralities"[108], while the latter, or *Hijrahs*, "earn a livelihood by dancing and singing in the public streets, an occupation which might be deemed excusable, did they not eke it out by giving themselves up to other abhorrent practices"[109]. Further, the author of the letter states that any legislation of *khojas* should be directed, not at the eunuch, but the 'noblemen' who employ these individuals in their service. *Hijras*, though, should face direct governance. *Khoja*, then, are represented as victims of the evils of castration, while *hijras* are depicted as an embodiment of the very evil that must be removed.

In addition, some of those who commented on the Bill asserted that the *zenana* eunuchs should be excluded completely from the law. The Governor-General of India, for instance, maintained that:

> It would become their duty to take care that no persons came upon the register to whom the Act was not intended to apply. Domestic servants, for instance, in Muhammadan families of rank would not be registered, and probably other classes might be exempted.[110]

Furthermore, in a reply to the call for advice, C. J. Showers, late Officiating Political Agent to several native Courts, goes on to note that the use of eunuchs in harems is not only 'intelligible', but is inoffensive; for him, eunuchs are "guardians of the zanana, where the employment of the neutral sex seemed intelligible for obvious reasons" [111]. Furthermore, F. O. Mayne, Inspector General of Police and former Magistrate and Collector of Banda, in a recommendation of a Bill to surveil and control eunuchs, a Bill that was a predecessor to the one that eventually became Act XXVII of 1871, comments that "[g]uardians of harems or *zenanahs* are invariably those of mature age; and there is every reason to fear there are many eunuch boys from between the age of 10 and 20 years who are kept for the vilest purpose"[112]. Thus, since eunuchs in harems are necessarily older, they are not under the scope of the proposed Bill.

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[108] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Letter to John Strachey from Syed Ahmed (14th April 1870).

[109] Ibid.

[110] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Extract from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic. Cap. 67 (3rd October 1870).

[111] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Memorandum by Colonel C. J. Showers, late Officiating Political Agent at the Courts of Jaypur, the Meywar States, Gwalior, and Agent to the Governor General in Rajputana (7th June 1871).

Consequently, eunuchs were originally constructed as somewhat positive figures. Insofar as they represented a facet of indigenous culture, their institutions -- especially that of the *zenana* -- were respected. That is, the ideology of 'Oriental' rule was supported by the British in the early nineteenth century through the maintenance of the institution eunuchs. However, this was framed in terms of good governance; that is, they were supported only insofar as such maintenance sustained the British vision of their rule as fair and indirect. I will say more about this process in both the next chapter and in chapter eight, but, suffice for now to say that imagining their occupation as being one that allowed the 'Orientals' to rule themselves was central to the colonial project. However, this support for the convention was later reinterpreted in such a way as to differentiate the *khoja* and the *hijra*. Through a semiotic reassignment, achieved through the comparison of *khojas* and *hijras*, the qualities that writers found positive about eunuchs, including their trustworthiness, were attached to the *khoja*, while those attributes that they found repugnant were associated with the *hijra*. In this way, the negative traits embodied in the Cryptocrystalline Orientalist discourse were made compatible with the positive characteristics that the colonial regime had to respect in the indigenous culture, an ideology that made their vision of colonial governance possible, through the figure of the *hijra*. In this way, the eunuch sutured Cryptocrystalline Orientalism to the often contradictory desire for the British to allow the 'Orientals' to rule themselves.

### ***Themes of the* Khoja**

From this overview, it can be seen that eunuchs were connected to Islam in some complicated ways. While the representation of these eunuchs can be traced to pre-British governance in India, such a depiction took on a particular relevance in the new context. Connecting Islam to injustice towards women, polygamy, slavery, and despotism, eunuchs were understood, through the *zenana*, as a symptom. That is, many accounts of eunuchs link them with a range of attributes, in such a way as to create the subject of the eunuch as a nodal point or, what Klosowska (2005) calls, a 'thematic site'. Just as medieval authors used eunuchs as a site in which effeminacy, same-sex desire, and castration were linked in such a way as to make the two former qualities implied, and thus invisible, in the articulation of the latter, many of the above accounts quilt various Cryptocrystalline Orientalist discourses into the very fabric of the eunuch.

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[112] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Letter from F. O. Mayne, Inspector General of Police, to the Secretary to the Government of the North-Western Provinces (28th May 1867).

Such castrati suffer from a lack of masculinity. Not only are they not men, or sometimes the 'neutral sex', but their lack of sexual desire allows them to function in the *zenana*. While they may sometimes deviate in their sexlessness, such is almost always represented in the context of the betrayal of the trust that is placed in them. This lack of sexual desire enables the construction of the harem as a site of excessive sexuality and immoralities. Through the figure of the non-sexual eunuch as a governor of objectionable sexuality and someone who wards off the jealousy of the rulers, the seraglio becomes a space defined by the perceived immoralities of the Muslims. In fact, the sexual excesses, especially in terms of same-sex desire, that are accorded eunuchs were removed from the *khoja* in many of the nineteenth-century writings, and, instead, were attached to the *hijra*.

The notion of the *zenana* operates as a foil against which nationalism can be created. That is, the British notions of nationhood are constructed through the opposition of representations of the harem as places of immoralities, such as the deplorable treatment of females and slavery. Moreover, the despotic government of the Muslims, which the British narrators constructed as a critique of Muslim forms of governance, is linked to the harems and the eunuchs; such an association allows this criticism to be invisible and is merely subsumed under the semiotic of the *zenana* eunuch. Similarly, British intelligibility was privileged though the process of associating eunuchs with polygamy. As polygamy was constructed as immoral, if not evil, and thereby connected to the *khoja*, the alternative -- embodied in Christianity, especially, but not only, through the Zenana Missions -- was tacitly invoked. Again, it was not just nationalism that was being constructed, but one that was deeply implicated in British ways of understanding.

Another element of the discourse of the nation is the ways in which the British supported the eunuch within the context of a perceived culture of Islam. By privileging the indigenous practices of Muslim India, the British justified their rule. This, of course, needs to be read against the construction of Muslim governance as despotic. By maintaining these traditions, while, at the same time, decrying them, the British legislators walked a thin line of validating their government as fair, but moral. The fairness of their rule could be seen in the practice of allowing the 'colonised' to be ruled by their own laws, and their morality was established by their struggle with the 'barbaric' practices of the support of these customs. By doing this, British governance, in whatever its form, and consequently the notion of nationalism subsumed within it, was constructed as just.

Yet, at the same time that discourses of masculinity and nationalism are evoked, eunuchs represented an intersection of these discourses, especially through the accounts of inheritance. Eunuchs in Islam, according to British narratives, were denied the right to pass on property because of their lack of masculinity. The reason that *zenana* eunuchs could not bequeath was because they had no offspring, which, in turn, is a result of their emasculation. Not only was this logic not questioned by the various authors, demonstrating that it fit well into that which they considered intelligible, but the escheatment of eunuchs' property to the state was also depicted as common sensical. This understanding was a consequence of the discourse of nationalism, one which depicts the nation as the owner of unclaimed property by default, something which I will discuss in more detail in chapter eight.

Finally, the semiotics of the *khoja* were used in the construction of the *hijra*. Whereas the *zenana* eunuch was depicted in a particular way -- as having no sexual desire, trustworthy, wear men's clothes although effeminate, and can gain positions of privilege -- that emphasised the positive qualities, the *hijra* became a figure that possessed the qualities that the British thought were undesirable: have improper sexual desire, commit sodomy, dance and beg, are rude, imbibe drugs and alcohol, are immoral, and, even though they are masculine, they dress in women's clothes. This last point deserves a brief comment. It would be wrong, I think, to use the fact that the *hijras* are depicted as masculine figures to deduce that they are portrayed as masculine. Instead, unlike the *khoja*, they upset British sensibilities by dressing in a fashion that contradicts who they 'are'; that is, the fact that *hijras* are masculine, but dress as women, in contrast to the *khoja*, who, while being effeminate, still dress like males, depicts the former as deviants and the latter as merely castrati. Furthermore, unlike the *khojas*, who are passive victims, the *hijra* kidnap children for castration. Consequently, the representation of the harem eunuch was used to construct the *hijra* in particular ways, such that the abhorred qualities of the Muslim Other could exist with the perceived necessity of respecting such Muslim culture through the trope of the *hijra*.

## Hermaphrodites

From the previous chapter, one can see that, on top of understanding the *hijra* as eunuchs, various European accounts represent them as hermaphrodites. Such a depiction was exceptionally common in the sixteenth century (Rennefort 1698[1688]; Thevenot 1971[1687]), the eighteenth century (Arnaud 1750; Forbes 1988[1813]; Gilchrist 1787-1790; Khan 1986[1926]; Solvyns; 1807, 1810) and the early nineteenth century (Gilchrist 1800; Haughton 1987[1833]; Ward 1970[1822]; Warden 1827). While such references, usually combined with associations with eunuchs, continued into the middle and late nineteenth-century portrayals (Chevers 1870[1854]; Honigberger 1852; Molesworth 1857; Monier-Williams 1899[1851]; Wilson 1855; Wise 1883), there was a switch to construct the *hijra* as only a eunuch. Why did this switch take place? What is the significance of representing the *hijra* as a hermaphrodite versus a eunuch? It is to these questions that this section addresses.

This section, which explores the meanings associated with the term 'hermaphrodites', offers a narrative that fits well with that of the eunuch. While the eunuch was associated with various concerns at different historical points, the idea of what 'hermaphrodite' meant also fluctuated. In this section, I track how conceptions of gender/sex changed throughout the seventeenth through nineteenth centuries in Europe, through the lens of the hermaphrodite. Yet, in some ways, the following discussion of hermaphrodites as associated with the *hijra* is a prequel to the previous sections on eunuchs. The reason for this is that the *hijra* were depicted as hermaphrodites before they were portrayed as eunuchs. In the late seventeenth century through to the mid-nineteenth century, the *hijra* were mostly represented as hermaphrodites. In fact, just as the associative terminology for depicting the *hijra* switched from hermaphrodites to eunuchs[113], the medical model of the body and sex was becoming predominant. This is culminated in the decade of 1850 that I briefly discussed previously. It is at this point that the *hijra* were differentiated from the *khoja*.

In this section, I will emphasise how this switch from representing the *hijra* as hermaphrodite to eunuch in colonial writings point to changes in the gender regime from a one-sex model to a sex-model, especially in the colonial context where the British thought there existed a three-sex model, were vital in understanding how the *hijra* were translated by the British imagination. Moreover, this transformation took place within the context of the medical model of the body, one that was partaking in the symbolic order of Empire.

### *Sixteenth and Seventeenth Century Hermaphrodites*

In the sixteenth and seventeenth centuries, the notions of gender were in flux in Europe. Nowhere was this instability more clear than in discussions of hermaphroditism. According to Maud Gleason (1990), masculine and feminine traits were descriptors of both sexes; that is, sex and gender were not equated. As she argues, "it was a medical commonplace that men are -- anatomically speaking -- women turned inside out" (390). Masculinity was the capacity to sire male children, while femininity, as applied to both men and women, was the capacity to sire female children. Androgynoi are "produced when male seed from the female parent overpowers female seed from the male parent" (394). The result is something that looks like a man, but is feminine in all other aspects.

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[113] I do not mean that previous to this moment, the *hijra* were not represented as eunuchs. Instead, I am arguing that the switch from referring to them as hermaphrodites and eunuchs to as almost exclusively eunuchs takes place around this time.

The reason for this view of sex is that, during this period, there was, what Thomas Laqueur (1990) calls a 'one-sex model' prevalent at the time. The difference between men and women was the application of heat; the presence of heat produces men while the absence of such creates women. For instance, in the 1718 *The British Apollo*, the better singing voices of castrated youths was explained thusly: "The breaking of the Voice is caus'd by the Heat of the Body, which dilates the ... Wind-pipe: Now Castration diminisheth the Heat of the Body, and consequently prevents such an Alteration" (53). The voice, then, is like that of a woman because the castrated boy loses his heat, and becomes like a woman, whose body is "naturally colder than that of Men" (53). Furthermore, the body was not static. Dorothy Price (1967) quotes the famous mid-seventeenth-century author, Ambrose Pare:

> 'Therefore I think manifest by these experiments and reasons, that it is not fabulous that some women have changed into men: but you shall finde, in no historie men, that have degenerated into women; for nature alwaies intend's and goe's from the imperfect to the more perfect, but not basely from the more perfect to the imperfect'. (12)

So, a body can only change from female to male, because the latter was thought to be superior to the other (Jones & Stallybrass 1991). Consequently, hermaphrodites were not judged on their sex *per se*, but "to which gender the architecture of their bodies most readily lent itself" (Laqueur 1990: 135). That is, the concern, primarily of magistrates, was in the construction of gendered categories within which behaviours are deemed acceptable or not. This is exemplified in the trial of Marie/Martin de Marcis, a hermaphrodite who, when s/he attempted to marry a woman, was tried for female sodomy; the problem, argues Laqueur, was not with the body, but with the role that Marie/Martin performed during sex, and the violation of the gendered norm. While she faced burning to death as punishment for sodomy, cross-dressing, and being a *tribade*, her/his lover and fiance, Jeane le Febvre, was to be "beaten and banished from Normandy" (Greenblatt 1988: 74).

Consequently, the law was not interested in the body of an individual, but in the way she/he performed gender. It was not the body of Marie/Martin that was in violation of the law, but the way in which that body violated the gender that was expected of it. In the words of Giles Jacob (1718):

> ...the Civil Law ... permits [hermaphrodites] to make a Choice of either of the two Sexes for the Business of Copulation, either in the Capacity of Men or Women; but if the Hermaphrodite does not perform his Part agreeable to Nature, the same Law inflicts the Punishment due to Sodomy, because he has abus'd one Part, contrary to Natures Laws. (5)

That is, as long as the hermaphrodite abides by a single gendered and sexual role, they are blameless in the eyes of the judicial system. Another example of this can be found in Pierre Brillon's *Dictionnaire des Arrets*[114]:

> Brillon mentions a case, in Paris in 1603, in which a young hermaphrodite was hanged and burned because he had officially assumed the role of a man but then allowed his body "to be used as a woman's"; the man/woman's sexual mobility was the issue, not his initial right to decide on his sex or the legality of his reasons for doing so. (Jones & Stallybrass 1991: 90)

This, of course, is not to say that sex is irrelevant. Instead, sex is thought of as a spectrum, along which an individual is located[115].

However, these cases are all from France; England did not have such laws ruling hermaphrodites. Further, while Britain did have anti-transvestism and anti-sodomy laws, the former applied to class transvestism and the latter did not apply to women. According to contemporary academics, the only case that came close to the French jurisdictions happened in England in 1746. However, the persecuted 'woman' -- Dr. Charles Hamilton *aka* Mary Hamilton -- was eventually charged under the vagrancy act, since no other legal framework existed. That is not to say, however, that androgyny was not under the scrutinising gaze of the law. Stephen Greenblatt (1988), in an endnote, provides a story of Thomasine/Thomas Hall who was born in the 1570s. S/he switched between being a male and a female on several occasions. When she was taken before the Council and General Court of Virginia in 1629,

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[114] This account is similar to that of Georges Arnaud de Ronsil (1750), who notes that, the "[P]arliament of Paris in 1603 ... condemned a young hermaphrodite to be burnt, for having made use of the sex he was expressly forbid" (25).

[115] In fact, Barthelemy Saviard (1740) provides a report of a traveller who, in 1693, arrived in Paris, claiming to be a hermaphrodite, or having "the Parts natural to both Sexes" (35). The magistrates of Toulouse, finding her slightly more male than female, declared that "for the future she should wear a Man's Habit, under Pain of corporal Punishment" (36).

> the judges evidently felt that unresolved sexual ambiguity was more tolerable than dizzying sexual metamorphosis; they preferred a figure frozen in acknowledged androgyny to one who passed fluidly and unpredictably from one state to another. Accordingly, they ordered that it be published that Hall 'is a man and a woman,' and they insisted upon this doubleness in the clothes they required him to wear: 'Hee shall goe Clothed in mans apparell, only his head to bee attired in a Cyse and Croscloth wth an Apron before him.' (178)

Thus, colonial law, one that enforced English law with little variation (Scott 1930), while not legislating against the actions of hermaphrodites, exhibited concern over such activities. Hermaphrodites were thought of in much the same way in England as in France, although the laws were quite different.

However, other non-legal literature did point to similar understands of sex and the hermaphrodite in England. In *Hic Mulier*, a 1620 pamphlet that was circulated in England, women were criticised for being too masculine. The booklet states: "'Tis of you, I intreat, and of your monstrous deformitie; You that have made your bodies ... not halfe man, half woman; halfe fish, halfe flesh; halfe beast, halfe Monster". Further, the unknown author refers to such women as "new Hermaphrodites". Such a reference points to the concern over variation in gender roles, and how hermaphrodites were thought of in England around this anxiety. Another important issue that *Hic Mulier* refers to is the sexed nature of hermaphrodites, a topic that I will touch on later.

In the sixteenth and seventeenth centuries, then, the figure of the hermaphrodite was a complicated one. However, it does enable one to understand the observations that Thevenot and Rennefort made on the *hijra*. Both French authors observed that these 'hermaphrodites' wore both male and female clothes, "for distinction's sake" (Rennefort 1698[1688]: 26). They needed to be marked as separate from others. Also, Thevenot mentioned that they had to do so or suffer the pain of punishment. These comments point to the legal practices in France of punishing those who did not follow the gender that she/he was accorded. Accordingly, they served to connect hermaphrodites to a particular notion of the state, one that saw its role as disciplining gender.

### *Eighteenth Century Hermaphrodites*

In the eighteenth century, the one-sex model was challenged on a level that it had not been before. Whereas, under the one-sex regime, gender was governed by its performance, the new two-sex classification would locate the propriety of gender in the site of the body. The primary motivator behind the change from a one-sex schema to a two-sex model, according to Laqueur, was the medical system. With this move, medical definitions of the body constructed bodies in terms of 'truth'; that is, men had certain bodies, while women had different ones. The bodies themselves, then, pointed to the sex of the person. Unlike the previous paradigm, in which behaviours of the individual were paramount in determining the acceptability of her/his sex, these changes allowed the body to stand in for sex. In other words, sex was moving from a social to an ontological category. Anne Fausto-Sterling (2000) points to changes in the conception of hermaphrodites that arose with this change in a sex model, as well as the inception of the medical model. While she agrees that, since their authors theorised sex in a one-sex model that understood sex as a spectrum, early accounts of hermaphrodites in the medical literature were accepting of them. She blames the emerging medical discourse in the later eighteenth century as the reason for the disciplinary treatment of gender, especially "the standard scientific techniques of classification" (37) that constructed 'true' and 'false' hermaphrodites.

The separation of 'true' and 'false' hermaphrodites is a reoccurring theme in the eighteenth century, one that demonstrates the desire to classify the androgynous into just two of the sexes. James Parsons (1741), for instance, argues that hermaphrodites may exist in the animal kingdom, but cannot exist in human bodies. Also, John Hill (1780) goes through much effort to discredit the story of Anne Wilde, mentioned above as discussed by Baddam (1739), asserting that she was not a hermaphrodite at all. In fact, not only was Anne Wilde a woman, but the author goes on to assert that all cases of hermaphrodites are just women with long clitorises.

Also indicative of the propensity to organise hermaphrodites into the two-sexed schema are the references to such persons as women. Hill's point that hermaphrodites were women, then, can be read as one way that various writers tried to come to terms with the bodies of hermaphrodites. Just like *Hic Mulier*, many authors associated hermaphrodites with *tribades* and masculine women. The author of *An Historical Miscellany of the Curiosities and Rarities in Nature and Art* (1794-1800) records that "every hermaphrodite is always a very woman" (ii. 257). In addition, Ysbrand van Diemerbroeck (1694) states: "From whence it appears that these Hermaphrodites, are not such as partake of both Sexes, but are really women, whose Genitals are not rightly form'd, while the Stones fall down into the Lips of the Privity, and the Clitoris grows out to an extraordinary Length" (XLV). The body of this person was that of a woman (Hill 1780). Matthew Baillie (1798) discusses hermaphrodites under 'Diseased appearances of the vagina'. Giles Jacob (1718) also insists that hermaphrodites are merely old women.

However, from the various accounts, it is clear that the medical model had not yet been made hegemonic. While Arnaud does raise the question of a true or 'perfect' hermaphrodite, for example, he maintains that such a creature does exist, and provides several examples to prove this. Likewise, M. Vacherie (1750) states:

> A complete Hermaphrodite in the Sense above-mention'd, being treated by most philosophical Enquirers, as an imaginary Being; notwithstanding some Histories, and Relations, in which however the Taste of Mankind for the marvellous appears to have been more consulted than the Truth. (14)

In spite of this, Vacherie does assert that true hermaphrodites do exist. Likewise, the author(s) of *Every Man Entertained* (1756) acknowledge the problems of identifying 'true' hermaphrodites, but, through a series of examples, maintain that such creatures are real.

In the eighteenth century, then, the figure of the hermaphrodite, especially as it was connected with the *hijra*, meant many things. First, it represented the medical understanding of the body, as is evident in discussions of the categorisation of the sex of the individual. Forbes 1988[1813], for instance, points to this dimension, when he states: "In mentioning these singular people [the *hijra*], I am aware I tread on tender ground; I cannot solve doubts and difficulties, nor shall I enter into particulars respecting them" (62). Although he is unwilling to join in the discussion, he is nevertheless aware of it, and, to a degree, privileges it. Likewise, Raymond, translator of Khan's *The Seir Mutaqherin* (1986[1926]), classifies the hermaphrodites into three, the first which was a class of "those that are naturally so, having the two sexes full and distinct, one over the other, or one within the other; or only in part; or a confused medley of both" (footnote 160). Such a reference captures the battles over how sex, as related to the medical model, was being debated. In addition, Solyvns (1807), when he writes "the capability of plural enjoyments" (Plate 39) of the hermaphrodites, can be read as defining these individuals in terms of their multiple gonads and the body that such a representation evokes. However, they are not 'perfect' hermaphrodites, since they cannot procreate. Solyvns uses this point to state that no such 'perfect' hermaphrodites exist, thereby participating in the debate over the existence of 'true' hermaphrodites.

Like Thevenot and Rennefort before him, Forbes 1988[1813] also noticed the clothing of the hermaphrodites. When he refers to the hermaphrodites being "compelled, by way of distinguishing them from other castes, to wear the habit of a female, and the turban of a man" (62), Forbes evokes the rich tradition of law, which was not only present in France, but in the colonial law of Virginia. This reference, then, points to the legal attempts to control the gendered expression of this group in a way that labels them as 'double'; that is, they are constructed as both male and female through the vestments that they are forced to wear.

Another aspect of the meaning of hermaphrodite that is present in the early narratives of the *hijra* is an association with a sexual ambiguity that Daston and Park (1996) connect to "sexual metamorphosis, transvestism, and sodomy" (118). Raymond seems to evoke this link when he comments that "there is at Lucknow a whole lane inhabited by those wretches -- and this is all that decence allows me to say on that head" (footnote 161); decency is most often invoked as a way not to talk about sodomy in texts from this period. Solyvns (1810) also links the *hijras* to sexual excess, when he associates them *qua* hermaphrodites with, "dissolute young men who accompany all their motions with the most libidinous and immoral songs" (Plate 2.195). He further observes that "their abominable depravity has caused them to be every where despised. Their debauchery is carried to that degree, that they meet together and offer themselves in the public houses of prostitution" (Plate 2.3.4).

Finally, even though some of the authors explicitly refer to the *hijra* as hermaphrodites, they also imply that they are eunuchs. Raymond, for example, refers to them as both 'impotents' and emasculates. Solyvns (1810), too, refers to them as 'men' and castrati. Hermaphrodite, then, must indicate something else than is typically meant; that is, if they do not have both male and female genitalia, then the term must be used to refer to some other aspect of their character. Given the contexts of Raymond and Solyvns, it seems clear that they are using the term to evoke a link between the *hijra* and transvestism and sodomy. Both of their accounts emphasise these features in their description of the supposed hermaphrodite.

### ***Nineteenth Century Hermaphrodites***

The nineteenth century brought some changes to the meaning of hermaphrodite, although this was mostly through the dominance of the medical discourse. Increasingly, rather than referring to the 'doubleness' of being both sexes, hermaphrodites came to be associated with neutrality. Haughton (1987[1833]) linked hermaphrodites with both eunuchs and 'neutrality', as well as, in grammar, "[o]f the neuter gender" (1534). In his Marathi and English Dictionary (1857), Molesworth continues this pattern when he defines *hijada* as hermaphrodites in terms of neutrality. Also, Wilson (1855) defines *hijra* as a Marathi word that designates "[a] hermaphrodite, a person either a eunuch, or of equivocal malformation, considered as neither male nor female" (208). All of these terms point to a hermaphrodite, in the context of the *hijra*, as being one that is neutral; that is, it alludes to 'neither man nor woman', rather than to both man and woman.

This change is significant in two senses: a European and a colonial one. First, while the hermaphrodite is still depicted as monstrous (Mosse 1996) in the nineteenth century[116], there is great concern with how the hermaphrodite might be analysed and understood through the medical discourse of the body. Originally written in 1865, *Taylor's Principles and Practice of Medical Jurisprudence* (Smith 1920) exemplifies how hermaphrodites were understood in what Dreger (1998) refers to as 'The Age of Gonads', or a period in the late nineteenth century in which gonads were thought to be the indicator of the 'true sex' of the individual. The author of this text asserts that hermaphrodism "as usually understood is enlarged to cover the above abnormalities [cases of confusion of sex]" (182); that is, it represents any confused deviation from the two-sex regime. This is important in legal matters of inheritance. Drawing on the legal writings of the noted and influential legalist, Edward Coke, hermaphrodites are to be considered whichever sex is predominant. If neither is, then: "Sexual monstrosity is not a ground for depriving a being of the rights of inheritance, except under peculiar legal conditions" (185). The medical model of sex, then, is constructed legally as necessary for the determination of inheritance rights, given the patrilineal system. With the privileging of these forms of authority, sex as a form of knowledge becomes institutionalised. Hermaphrodites, then, problematise this institution, and the two-sex model that it is based on. The body, then, becomes the 'truth' to which the law must appeal; that is, hermaphrodites, in the nineteenth century, have become both a medical and legal category that is directly related to issues of citizenship, such as inheritance. Within this context, a great deal of literature abounds on how the body must be understood in order to categorise the hermaphrodite (Churchill 1853; 'Determination of sex' 1884; Harrison 1884; Mann 1853; Mayer 1836).

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[116] This is evident in two articles in *The Lancet*. The first, in 1834 by an unknown author, describes hermaphrodites as "one of these monsters" and an "extraordinary freak of nature" ('Hermaphrodite' 1834: 558). The second, written by W. Holt in 1861, portrays hermaphrodites, even when she/he is a "fine-looking child", as a "hermaphrodite monster" (Holt 1861: 328).

Second, this change in the understanding of hermaphrodite is significant in the South Asian context. In several Sanskrit texts, there exist discussions of a particular group called *tritiya prakriti*. While this can be translated best as 'third nature', the British understood these references to indicate the 'third sex'[117]. However, since the European scientific model was questioning the existence of hermaphrodites who had both gonads of the two sexes, such thirdness was increasingly represented in terms of neutrality; given the emerging popularity of the two-sex model in Europe, the so-called 'third sex' were defined in terms of lack. This 'catch all' class includes all who deviate from the two sexes, regardless of their specific differences. Consequently, reminiscent of the observations of Raymond and Solyvns, medical authors such as Chevers (1870[1854]) use the terms hermaphrodite, *hijra*, and *khoja* interchangeably.

This notion of the 'third sex' is important to the colonial project, partially because the figure of the hermaphrodite continued to be associated with effeminacy and sodomy. When Gilchrist (1800) defines a hermaphrodite in terms of "hijra, mookhunnus, napoonsuk" (36), he implicitly invokes these meanings. As mentioned in the previous chapter, mookhunnus (*mukhannathun*) can refer either to an effeminate man or one that is a passive sodomite, whereas the napoonsuk (*napumsaka*) refers to the alleged third gender. In addition, in response to Steele's assertion that a group in India called the *Gosawunees* (perhaps *Gosawi*, a Marathi caste), who 'obliterate' their sex by dressing in both men's and women's clothes, Warden (1827) comments that:

> In illustration of this, it may be observed that the lusus naturae, best known by the designation of Hermaphrodite, wears the female saree and the male, Ungreka. ... Their condition is supposed to be induced by the debauchery committed by them on Earth before the transmigration of their soul. (footnote 67)

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[117] I will discuss this in detail in the next chapter.

These *lusus naturae*, a term that has long been used to refer to hermaphrodites as "errors of nature" (Baddam 1739; *Every Man Entertained* 1756) and curiosities (Arnaud 1750), are depicted as originating in debauchery and, as a result, illustrate the same wearing of both men's and women's clothes that other authors have noticed. Finally, while he does not associate such creatures with sodomy *per se*, Wise (1883) does connect hermaphrodites to obscenities. The *hijra*, he argues, are despicable hermaphrodites who perform "obscene songs, and lascivious movements" (47). Such references illustrate how the hermaphrodite continues to link debauchery and effeminacy in the imaginations of the British writers.

In this way, the notion of the hermaphrodite as a member of the 'third sex' plays an important role in the move between the two-sex model of Europe and the three-sex schema of the colonial context. Insofar as the different between the two is the figure of the 'third sex', all difference between the two organisational frameworks becomes located in such a figure. However, the members of the 'third sex' are connected with effeminacy and sodomy, two characteristics that are devalued in European discourse. Consequently, the icon of the hermaphrodite sutures the two gender regimes in such a way as to reduce the difference to one of immorality and deviance.

Ashish Nandy's *The Intimate Enemy: Loss and Recovery of Self Under Colonialism* (1983) adds a political dimension to this argument. He maintains that the British colonialists used sexuality, especially those forms of sexuality that deviated from the two-sex model, as a way to dominate the 'natives'. Through the attempt to "lump together all forms of androgyny and counterpoise them against undifferentiated masculinity" (8), the British's conception of sex was such that "femininity-in-masculinity was now perceived as the final negation of a man's political identity, a pathology more dangerous than femininity itself" (8). Consequently, Nandy argues that the devaluation of certain ways of being sexed, such as hermaphroditism, privileged a particular articulation of masculinity, embodied in an ideology of the 'martial races', which, in turn, favoured "the traditional Indian concept of statecraft and gave the idea a new centrality" (7).

This notion, he contends, served as a template that the British colonialists could utilise to govern the people. In this way, through its contrast with masculinity hermaphroditism served as a way to control the population.

Moreover, the European medical model of the body also created a paradigm that was directly related to the colonial project. It constructed hermaphrodism as something that could be mapped onto colonial discourse. First, hermaphrodism was constructed to be evidence of a lower level stage of evolution. Richard Harlan (1836), in observing a hermaphroditic orang-outang (orang-utan), purported that "[t]he nearer the animal approaches to the vegetable kingdom, the more frequent and complete are the instances of hermaphrodism. ... The disposition, then, to hermaphrodism is more rare as we advance in the scale of perfection, or, rather, to a more complex organization" (964). While the goal of the author is to indicate that complete hermaphrodites were possible in the higher class of animals, he did so by invoking an evolutionary schema of sex. Second, Frank Proschan (2002) further links this to colonialism. In the context of French colonialism, he notes that, following Darwinian evolutionary theory, sexual dimorphism was seen:

> as an index of evolutionary progress from beast to man, and, among men, from savagery to civilisation (I use man advisedly). Even in France, where Lamarckian evolutionism prevailed despite the advent elsewhere of the Darwinian school, sexual dimorphism was taken as a natural sign of civilization (and increased dimorphism meant increased civilization). (442)

The reason that they did this, he argues, is to legitimate their colonial rule; "By depicting the Vietnamese as gender-deviant -- the males as effeminate, the females as virile -- the French colonials could justify their conquest and subjugation and the *mission civilisatrice* they arrogated to themselves" (459).

Yet, the use of the term hermaphrodite also reveals something else going on in colonial nineteenth-century India. In this century, writers gradually changed referring to the *hijra* as hermaphrodites to designating them as eunuchs. Part of the reason for this was the degree of medical interest and research in the colony. However, this medical gaze was not objective, but it carried with it a varying moral emphasis. In the early nineteenth century, several authors recorded the role of medical persons in the examination of the *hijra*, but it appears that the desire to conduct such research is curiosity ('Female eunuchs in India' 1843; Forbes 1988[1813]; Roberts 1843; 'Supposed female eunuchs' 1843). However, by the middle of the century, the desire behind the medical gaze shifted. While some accounts were certainly descriptive (Honigberger 1852), others were normative. In fact, medical professionals such as Chevers (1870[1854]) and ones referred to in Ebden (1855) examined the *hijra* in order to illuminate their criminal activities; consequently, they were spoken of in the language of immorality and "disreputable and revolting practices" (Ebden 1855: 523). In the memorable and already quoted words of John McCosh (1856), a Surgeon for the Bengal army, referring to the institution of eunuchs, he states: "The time has come when such unconstitutional practices should be suppressed, by making them penal!" (207) Thus, the medical model of the mid-nineteenth century was not unproblematically objective in its goals, but held within it the desire to enable governance. In this way, these references are not merely the attitudes of certain isolated medical individuals, but were indicative of larger social processes. Certainly one reason for these normative references is changes in the legal representation of the *hijra*, something that I will discuss in the eighth chapter. However, another reason for this change in the medical gaze had to do with the way in which sexes that deviated from the two-sex model were constructed as pejorative. That is, as has been argued by other scholars (Dreger 1998; Fausto-Sterling 2000; Laqueur 1990), during this time of transposing the two-sex medical model, derogatory characteristics were associated with those who challenged such a regime, thereby creating the conditions for governance.

Thus, the two-sex regime, as it comes into contact with the colonial context, configures the meaning of hermaphrodite in the nineteenth century in particular ways. Hermaphrodites, especially though their sexual ambiguity, discursively establish the medical logic of the two-sexed model in the South Asian context, especially as it relates to law (notably inheritance legislation). Furthermore, the hermaphrodite sutures the European two-sex organisational schema with the ostensibly third-sex classification of the 'natives', in such a way as to reduce difference to depravity. Moreover, this logic allowed Empire to manifest, through process of governance and knowledge-production (especially notions of the evolution of civilisation).

## Conclusion

The semiotics of bodily difference is significant to understanding the context of representations of the *hijra*. Such difference was understood two ways: through the eunuch, as indicative of the immoral and despotic Muslims, especially in the context of an ideology of 'Oriental' rule; and through the hermaphrodite, as illustrating the degeneration of the three-sex regime and supremacy of the two-sex model and the medical system which prefaced it. Furthermore, by representing deviations from masculinity, both eunuchs and hermaphrodites represented flawed figures who, especially under the rubric of the *hijra*, violated norms of sexual propriety.

The colonial accounts of the *hijra*, then, must be understood within this context. The articulations of this class implicate a Cryptocrystalline Orientalist project. Furthermore, their depictions evoke the dominance of a two-sex gender regime, as well as a medicalised vision of the world. Thus, instead of evaluating the gender of those who are variably embodied in terms of their performance, the body itself is the site of truth. Deviations from prescribed understandings of these bodies, then, become locations that other forms of so-called digression, especially sexual and moral ones, are imputed onto. Consequently, through the semiotics of eunuch and hermaphrodite, the *hijras* are constituted in particular ways that articulate colonial governance.

By the middle of the nineteenth century, the accounts of the *hijra* were changing. While the late eighteenth and the early nineteenth centuries saw them either as just eunuchs and/or hermaphrodites, this new period represented some significant changes. No longer just eunuchs, the *hijra* were increasingly depicted in contrast with the *khoja*, through a process of semiotic reassignment. That is, while accounts of this class drew from the Cryptocrystalline Orientalist underpinnings of the *khoja* in the first part of the decade, the second half saw the suturing of Orientalism and the ideology of indigenous rule.

Likewise, by then, the term hermaphrodite was used less to describe the *hijra*. The reason for this change is that, with the increased contact between the European medical model and the indigenous notion of the 'third sex', the notion of hermaphrodite changed from denoting a being with two sexes to a being with neither. However, as medical knowledge continued to spread, the writers became aware of the incorrect usage of the term 'hermaphrodite' to refer to persons of neither sex. Consequently, they adapted the semiotics attached to hermaphrodite to a more suitable term: eunuch. Yet, even with this change, the pejorative meanings of a creature that violated the two-sex regime remained.

As noted in the previous chapter, the mid-nineteenth century represents an important point in narratives of the *hijra*. As mentioned in the first chapter, this is a period in which, in Bhaskaran's words, the ideologies of 'coercive isolationism' were gaining dominance over principles of 'coercive integration'. Furthermore, this is also the time of the 1857 Rebellion. Both of these contexts represent a more active conception in understanding of Empire; the goal of the colonial regime was less about the acceptance of diversity and more about governance, albeit indirectly. Yet, changes in the definitions of sex had significant effects on the representation of the *hijra* in this period. It is in the milieu of this shift that the changes in the accounts of the *hijra* take place.

## Chapter Six -- Eunuchs in (Con)Texts

In the colonial imagination, the *hijra* had a history, one that defined them in terms of exclusion and vulnerability. This history was supposedly present in several Sanskrit and Pali texts -- ones that the British used as the basis of colonial law. These texts were translated into English for the express purpose of enabling colonial governance in South Asia. In these writings, eunuchs, which the colonial authors often represented as predecessors to the *hijra*, were largely defined by exclusion. They frequented legal texts and, consequently, troubled British notions of masculinity, sexuality, and the relationship between the two. In a context where the colonial administrators articulated a wish, often absent in practice, to rule the indigenous people with their own laws, thereby positioning themselves against the imagined despotism of the previous rulers, they needed to understand what these local legal codes were. As part of this project, several translators rendered books that the British conceived of as important to the task at hand into English. Through this process, eunuchs materialised in the South Asian context and provided an important position in history, one that was implicated in law.

This chapter, then, explores this literary figure of the 'eunuch' -- and thereby the precursor to the *hijra* -- as a symptom of the translation process. By translating these ostensibly legally and socially significant texts into English, the translators filtered them through a framework of intelligibility that constructed/interpreted this figure as a depository of social meaning. In this way, I propose that translation not be examined as a process of violence, whereby the meanings of one group are forced onto others (usually the colonialists imposing their interpretation onto the colonised), but as a productive process in which meaning is transformed and colonial domination can be resisted. Moreover, within the productive space of translations, I argue that the use of the word 'eunuch' evoked unarticulated notions and mapped them onto the legal and social context through the process of rendering the writings into English. Conceptions of masculinity and sexuality were anchored through the process of interpreting the indigenous texts. These two ideas of masculinity and sexuality, I argue, represent larger colonial processes. For instance, by privileging particular notions of masculinity through this regime of translation, subtle colonial ideologies were uttered, such as labelling those who did not conform to particular modes of masculinity -- forms exemplified by British masculine ideals -- as unable to rule, weak, and cowardly; that is, British masculinity was constructed as an ideal against which those who deviated from such an standard were devalued. Similarly, those who strayed from particular standards for sexual behaviour were deemed to be immoral, licentious, and, insofar as they deviated from the predominant two-sex model valued in Europe, social deviants and abhorrent. Moreover, these understandings were imposed onto the imperial milieu through legislation.

This examination of the rendering of the various Sanskrit and Pali terms as 'eunuch' is not simply an exercise in literary curiosity, but has significant consequences. First, the category of 'eunuch' emerged as a social group that ostensibly predated the arrival of the British in South Asia and, therefore, served as a site that represented indigeniety. As such, its representation was a loaded one, containing, as I will demonstrate in this chapter, associations with conceptions of colonial masculinity, sexuality, and the plethora of meanings connected to these attributes. This sort of figure has served as evidence for the historic existence (i.e., histories that predate the British in India) of the *hijra* -- complete with origins for their contemporary sexual representation -- in the works of many scholars (for example see: Hiltebeitel 1980; Roscoe 1996; Zwilling & Sweet 2000). Thus, this exclusion is constructing a subject position. That is, insofar as the British accept these texts as authoritative and identify certain types of persons with those to whom the writings are referring, these exclusions create a category of personhood[118]. Second, these translations of exclusion define a certain class of person as being excluded from a range of aspects of social life, including religious, political, sexual, legal, and economic spheres. Various colonial institutions, most notably legal ones, have drawn on these exclusions to define this category of person as Other. In this way, the figure of these translated texts has been rendered in such a way as to come under the governing gaze of law; the constructed entity was defined by its legal sanction. This is evident in a historic Act -- Act XXVII of 1871 -- that defined the *hijra* in terms that exemplified their criminality. Since they were defined mostly in terms of exclusion, the treatment of the eunuchs as a social category was one based on procedures of containment and control. Finally, the translators reduced a variety of non-hegemonic sexual identities to a single one: that of the eunuch. Such a manoeuvre collapsed the third gender of South Asia to a single figure, one that was a deficient male, thereby suturing the difference between the colonial and indigenous gender regimes in such a way as to privilege the former.

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[118] As I mentioned in chapter three, it is not the object of this dissertation to determine who or how many people identified with this subject position, but to demonstrate how it was created and translated in the colonial context.

Consequently, the eunuchs of these literary texts, insofar as they were conceived of as precursors to the *hijra*, are of interest to my project for two purposes. First, they constructed a subject position, one with which the *hijra* would come to be associated. That is, those who came to be called *hijra* in the nineteenth century were understood through the ideational framework provided by this articulation of the eunuch, complete with its association to particular understandings of masculinity and sexuality. Second, the subsequent subject position was created as a site of governance that, once it became attached to the *hijra*, enabled the colonial state to emerge, especially in relation to the very notions of masculinity and sexuality that were implicit in the subject position of the *hijra*.

In order to make this argument, first I will provide a brief discussion on the role of translation in the colonial context. Then, I will outline how the various Sanskrit and Pali terms -- *kliba*[119], *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara* and *kesava* -- were translated as 'eunuch' and how such a translation was problematic. Specifically, this rendering takes various terms that have a variety of different meanings, evident in other scholar's work as well as the context of the translated works, and flattens them under the rubric of 'eunuch'. Also, in this section, I will examine how these Sanskrit and Pali terms are understood within the larger colonial project. Next, I will discuss how the term

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[119] For ease of reading, I have decided not to use diacritics in transliterating the non-English words.

‘eunuch’ was understood in the context of both the translations and British colonialism of South Asia. Finally, I can demonstrate how the translation of these words embodied colonialism; the practice of translating took the European framework of intelligibility and imposed it onto the colonial context.

## Colonial Translations and Power

The process of translating from the Sanskrit and Pali terms -- *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara* and *kesava* -- to the English ‘eunuch’ is one that speaks of power. In this section, I want to investigate how this practice of translation has been understood by other scholars. However, I will emphasise that such translations are not necessarily violent, insofar as they impose imperial meanings onto colonial subjects, but also represent productive sites, in which new meaning emerge in from this dialectical process. Moreover, these transformed meanings do not always reproduce the relations of power, but can sometimes be used to resist such power.

While the colonial translators thought of their representations of the indigenous texts as objective renditions, translations, especially colonial ones, must be understood as filtered through the intelligibility of language. Indeed, language is a vital component in constructing meaning. Language, as Gayatri Spivak (1992) argues, constructs the subject, both through the process of being spoken and speaking of the world. The former indicates that the subject is produced through language; that is, language creates certain conditions of possibility for personhood. The latter denotes that the projects within language become the projects of the individual. To utilise Spivak’s example, a British woman influenced by British feminism often focuses “on the task of freeing herself from Britain’s imperial past, its often racist present, as well as its ‘made in Britain’ history of male domination” (178). The content and form of her very speaking is a result of her construction as a linguistic agent, defined by its English history. Thus, language serves as a framework of intelligibility.

In this way, I argue that translations do not merely reflect the source text, but are always partial. Partiality is inherent in the translation process, a fact that prefaces the operation of power. Yet, power is not simply in the hands of the translator. Instead, partiality represents a type of cultural intelligibility; "the receptor language and culture entail obligatory features that shape the possible interpretations of the translation, as well as extending the meanings of the translation in directions other than those inherent in the course text" (Gentzler & Tymoczko 2002: xviii). The notion of intelligibility, then, allows me a way of thinking about effects of language and the operation of power.

Moreover, given the diffuse nature of power, it is not the translator that must be examined in order to illuminate the role of power, but the larger context within which the translator is embedded. Consequently, I am not just interested in the colonialist as translator; that is, it is not the Britishness of the translator that is relevant, but the process by which the indigenous text is made meaningful in English. As Talal Asad (1986) points out, translations are not the constructs of mere individuals, but owe their existence to complex relations between languages. Translating, then:

> is largely something the translator cannot determine by individual activity (any more than the individual speaker can affect the evolution of his or her language) -- that it is governed by institutionally defined power relations between the languages/modes of life concerned. (157)

The movement of meaning from languages such as Pali and Sanskrit to English privilege the latter. That is to say, through the process of translating, concepts that are inherent in the words of the original languages are subsumed in the subtleties of English; in the words of Tejaswini Niranjana (1992), "translation in the colonial context produces and supports a conceptual economy that works into the discourse of Western philosophy to function as a philosopheme (a basic unit of philosophical conceptuality)" (2). Or, as Lawrence Venuti (1993) puts it, "[t]ranslation is the forcible replacement of the linguistic and cultural difference of the foreign text with a text that will be intelligible to the target-language of the reader" (209). I am not, then, talking about 'unequal languages' in the way that Asad is, as a consequence of the global context of languages, especially in terms of political-economic relations between the Third and First Worlds, but am referring to the practice of favouring the language, and the way of thinking embodied in the language, into which the texts are translated. As a consequence of this line of argument, my focus is not on the translator *per se*, but the practice of translating Pali and Sanskrit into English. Thus, the partiality inherent in the translating process privileges a larger cultural and political context.

This partiality can be seen through the notion of the violence of translations. Many have argued that colonial translations are necessarily violent and depict imperial translators as committing acts of violence onto local groups through the process of colonisation. As Eric Cheyfitz (1991) states: "translation was, and still is, the central act of European colonization amd [*sic*] imperialism in the Americas" (104). Indeed, the violence of translation is more often than not theorised as a consequence of the asymmetrical nature of power whereas colonisers have greater control over language (Asad 1973; Bhabha 1985; Sengupta 1995; Venuti 1993). Anuradha Dingwaney (1995) captures this well when she remarks that "[t]he process of translation involved in making another culture comprehensible entail varying degrees of violence, especially when the culture being translated is constituted as that of the 'other'" (4). That is, translation, either of texts or cultures, represents -- and thereby constructs -- Others in such a way as to privilege certain ways of being.

Not only is the process of translation violent in terms of representing the colonial Other in a certain and usually subordinate way, but the choice of what to translate also contributes to the violence. In the Indian context, then, the privileging of Sanskrit over other vernaculars enables a particular type of text to be taken as authoritative. In Lata Mani's (1989) article, for example, she purports that the construction of Sanskrit as a language of tradition permitted the officials to insist that such *Brahmanic* texts were prescriptive of social behaviour, "even when the evidence for this assertion was problematic" (9). Further, by defining these Sanskrit texts as representative of the culture as a whole, these norms were institutionalised under the guise of just rule. Of course, while Mani takes pains to point out that such a valuation of Sanskrit was not merely an effect of colonial discourse and that it was an interaction of British translators and legislators -- albeit in positions of officials with considerable power over the 'colonised' -- with the 'natives', she is also quite clear that such favouring of the language served to benefit the colonial project in ways that were violent to the colonised.

Yet, I want to assert that translations are not necessarily violent; that is, they are not merely instances of unidirectional power flow. Instead, they can be used by those who wish to resist those in power, just as much as they can be utilised by those in power; they can be tools of resistance and domination. In fact, the translator is often caught between these factions, "simultaneously caught in both camps, representing both the institutions in power and those seeking empowerment" (Gentzler & Tymoczko 2002: xix). Thus, translations are not always violent, but, instead, can be productive spaces. Certainly, within the movement between languages, failure occurs. Jacques Derrida has convincingly argued that meaning -- or the relationship between the signifier and the signified -- is constantly in flux; meaning is misconstrued, intention is inferred, and referents slide (Derrida 1973). Meaning is not inherent to words, but must be fought over, established, and constantly rearticulated as common sense. In this ongoing process of meaning generation, the signifier's relationship to the signified is always tenuous and fraught. Still, within this space of failure, a fertile field exists. Attempts to link the signifier with the signified, and thereby to anchor meaning, reveal certain assumptions about the social context within which the utterance takes place. In other words, insofar as "[t]ranslation is not an innocent, transparent activity but is highly charged with significance at every stage" (Bassnett & Trivedi 1999: 2), examining such renderings for traces of significance is a potentially useful endeavour, one that this project seeks to accomplish.

In the context of translation, the space of the failure of language is expansive. In the words of Derrida:

> In the limits to which it is possible, or at least appears possible, translation practises the difference between signified and signifier. But if this difference is never pure, no more so is translation, and for the notion of translation we would have to substitute a notion of transformation: a regulated transformation of one language by another, of one text by another. (Derrida 1981: 20)

By focusing on translations as a project of transformation, not only can I examine the dialectic nature of translations, but I can use translations as historical traces of discourse. In other words, such translations, I assert, are intersection points of discourses masquerading under the 'truth' of translation and language. Eunuchs, which such renderings construct as a pre-existing and indigenous social category, serve to obfuscate several themes, including masculinity, sexuality, and the relationship between the two. In addition, these translations make other possible cultural meanings invisible. By translating these texts to refer to eunuchs, any other subjects of these writings become erased from history.

In this chapter, then, I will explore how these translations of exclusion are symptoms of other discourses. As discussed above, in the late eighteenth century and nineteenth century, several British linguists translated important -- or what they held as important -- Sanskrit and Pali texts. Since these texts served as the basis for much of colonial law, their movement from the indigenous languages into English signified an important process in governance. Through this project, they revealed how a particular group of people, eunuchs, were excluded from Indian social life. However, in constructing this group of so-called eunuchs, these translators reveal more than exclusion. The term eunuch is an English translation of the Sanskrit terms, *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava*. This rendition is a particularly complicated one, which serves to hide the many other meanings of these words. In the following pages, I am not looking for the objective meanings of these Sanskrit terms. Instead, I am arguing that they can mean many things. By anchoring the meaning of these diverse words to refer to only castrated men, the translators privilege a particular understanding of the terms. Through the following discussion, I will illuminate how the framework of intelligibility of the translators functioned to privilege such a rendition of the varied expressions, which had serious effects -- not just for persons who were identified as 'eunuchs', but anyone who was affected by the gender regime -- for the colonial context.

Thus, these translations represent ways to understand how concepts move from one framework of intelligibility to another. In this way, they serve as a key engine for what I have called the discursive architecture of Empire. The movement between systems of understanding creates new notions, but within a context of power relations. These regimes of translation produce notions that contain symptoms and traces of the forges within which they have been constructed. No longer are they simply the language of the coloniser or the colonised. They are born in a place of interlinguistic and intercultural contact, and are apparatus that drives Empire. In this way, this chapter focuses on the synchronic axis of Empire as a discursive architecture.

## Translating Sanskrit and Pali

The problem with the depiction of such exclusion is that the translations upon which the category of 'eunuch' is based are representative of the framework of intelligibility of the translators, more than a reference to some accurate account of the meaning of these terms in the indigenous context. That is, the words that the nineteenth-century British writers translated as 'eunuch' did not refer to just castrati. In order to demonstrate this, I would like to examine which Sanskrit and Pali words were translated to mean castrated men, and explore the complexities of such renditions. In this section, then, I argue that the colonial translations flatten these terms to mean 'eunuch', when, according to scholars and contexts of the texts, these terms have several meanings that go beyond simple castration[120].

The texts of which I am considering the translations are very important for two reasons: first, they were thought to represent the religious culture of the land; and, second, they were thought to depict the 'traditional' values of Indians. Because of this, they were used to formulate the legal code that was used to govern the Hindus (see chapter eight for a more detailed discussion of this). While I supply an overview of them in Appendix One, it would be useful to provide a note on them at this point. Of the Sanskrit texts that I am looking at, the most important are the *dharmashastras* (which include the *Manusmriti*, *Yajnavalkyasmriti*, *Apastambasmriti*, *Gautamasmriti*, *Baudhayanasmriti*, *Vasishthasmriti*, *Vishnusmriti*, and *Naradasmriti*). These texts, alongside several others -- the *Mitakshara*, *Dayabhaga*, and *Vyavahara Mayukha*, all of which are commentaries on the *Yajnavalkyasmriti* -- served as the basis for colonial law for the Hindus. Other writings that I am using for this chapter are the *Vedas* (*Artharvaveda Samhita* and the *Yajurvedas*, specifically the *Vajasaneyi Samhita* and a text attached to it, the *Katyayana Srauta Sutra*), which are considered to be the oldest and, by some, the most sacred, of the Hindu writings, and the *Brahmanas* (*Shatapatha Brahmana* and *Taittiriya Brahmana*), which are also considered to be old and revered. Given that these two types of scriptures were perceived to hold great esteem in Hinduism, the British viewed them as being very important, especially as representing the original Hindu culture. In addition to these texts, several other ones were thought to depict 'traditional' India (the *Arthashastra*, the *Kamasutra*, and the *Natyashastra*), be of significant spiritual value (the *Garuda Purana*), or both (*Mahabharata*). Furthermore, the British translated certain Pali[121] writings to help in their governance of the region. Two sections of the *Vinaya Pitaka* (the *Kullavagga* and *Mahavagga*) were also used to construct colonial law that was used to rule to Hindus. Finally, the *Milindapanha*, which is a scripture that is sometimes included in the *Tripitaka*, of which the *Vinaya Pitaka* is one part, is another text that the British thought represented the Indian social milieu.

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[120] For one theory of the ontological basis of these Sanskrit and Pali terms, one that understands these words as including 'congenital eunuchs', 'sexual weaklings', and 'sexual deviants', see Perera (1993).

The first word that I want to discuss is *kliba*. The list of those who have translated this Sanskrit word as 'eunuch' is extensive in the nineteenth century. I have provided a detailed discussion of the various terms -- *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava* -- and their usage in the different texts in Appendix One: Occurrences of the Term 'Eunuch' in Original Texts. Suffice to say here that the list of exclusions for *klibas*, which were then extended to eunuchs, in the various texts is substantial. Eunuchs should: not offer food to a priest after completing a sacrifice; be left by a wife without the typical sanction of her losing her property; not inherit, but must be supported; not be killed in battle; be avoided; not bear witness in legal proceedings; not drink holy water; and not be fed during the *shradda* or funeral offerings. In fact, in the *Mahabharata*, they are connected with servitude (6.43) and cannot have children or wealth (12.14; 13.9). While their jobs are to guard women (3.150), one translator, Kisari Ganguli, notes that they cannot fight righteously (9.35). Finally, *kliba* cannot rule, according to Ganguli (8.70; 12.10) and Manmatha Dutt[122] (12.10); in other words, "[w]here on Earth has a eunuch or a procrastinating person ever acquired sovereignty?" (Dutt 1997 [1895-1905]: 12.8.).

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[121] Pali was the language of Buddhism. Yet, the British often did not differentiate between Buddhists and Hindus, so many of these texts were interpreted to provide tenets that applied to both.

However, in contemporary scholarship, while there is little consensus on what the word means, academics argue that the translation of the term is far more complicated than the nineteenth-century writers captured with the rendering of it as 'eunuch'. Amara Das Wilhelm (2005) of the Gay and Lesbian Vaishnava Association argues that *kliba* refers to "(1) an intersexed person; (2) a homosexual or transgender person of the third sex; (3) any impotent or castrated man" (193). Academic definitions of the *kliba* do not deviate too significantly from Wilhelm's characterisation of the term. Michael J. Sweet and Leonard Zwilling (1993), for example, claim that many Western Indologists incorrectly translate terms such as *kliba* as 'eunuch', even though it actually denotes homosexuality, transvestism, and transexualism. Castration, they argue, was not a term used with *kliba*, since the practice was illegal before the Muslim invasions. Agreeing that the institution of eunuchs did not exist prior to the Arabic incursion, Wendy Doniger and Brian Smith (1991), in their translation of the *Manusmriti*, claim that *kliba* designates:

> a 'non-man' (*na-pumsaka* is given by all the commentators on this verse as a synonym for *kliba*) , that is, a sexually dysfunctional male, who might be, according to the context, impotent, homosexual, a transvestite, or, in some cases, a man with mutilated or defective sexual organs. (One commentator on this verse gives, in addition to *na-pumsaka*, several glosses: a hermaphrodite, a man with blighted semen, and a *shandha*). One dictionary describes fourteen different kinds of *klibas*, one of whom is a *mukhabhaga* (a man who allows his mouth to be used as a vagina) and resorts to boys. (58-59)

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[122] Instead of attributing eunuchdom to *kliba* in the context of sovereignty in 8.70.46, Dutt states: "An impotent man I am, what is the use of my having the sovereignty".

The assertion that *kliba* refers to 'homosexuals' is one that reoccurs. Arvind Sharma (1993) calls for translating *kliba* as homosexual. In the context where he purports that homosexuals are disparaged in the Sanskrit texts, he further maintains that, if one were to read a passage of the *Manusmriti* (3.239) -- a passage that speaks against allowing a *kliba* from seeing a *brahmin* eat-- as referring to issues of purity[123], it would be intelligible that the reference is to homosexuals. Doniger and Smith (1991) also maintain that the term 'homosexual' makes other passages -- the *Manusmriti* (9.79 and 9.203) -- comprehensible. The reason that these passages trouble the authors is because they refer to the situation in which a *kliba* sires a son. This reference has several occurrences through the Sanskrit literature, including in the *Naradasmriti* (12.97), the *Baudayanasmriti* (2.2.3.27), and the *Manusmriti* (9.79). The reason that Doniger and Smith seem to have difficulty with the practice that is evident in these sections is presumably that it is unintelligible that a woman could be married to a man who has been castrated without her knowledge. These textual references, then, point to a problem with defining *kliba* strictly as eunuch.

*Kliba* has not been just translated to be a homosexual man, though. Zwilling and Sweet (2000) consider the term as referring to a category of sexual deviance. Not only does it indicate a lack of 'manliness', but, at different times, *kliba* refers to men who wear long hair, dance as women , are impotent, are transvestites, and are characterised by sexual dysfunction. Similarly, Devdutt Pattanaik (2002) argues that *kliba* is "any man who could not participate in heterosexual intercourse (because of castration, impotency, or homosexuality)" (7). In fact, Janet Gyatso (2003) maintains that the term refers to "a sexually deficient state" (footnote 95) or a 'sexually anomalous person'. Wendy Doniger and Sudhir Kakar (2003) also emphasise that *kliba* refers to "'a man who does not act the way a man should act,' a man who fails to be a man, a defective male, a male suffering from failure, distortion, and lack" (xxxiii). Doniger (2002), in another piece, defines *kliba* as "a catchall term coined by a homophobic Hindu culture to indicate a man who is in their terms sexually dysfunctional (or, in ours, sexually challenged)" (65). Consequently, the category of people indicated by the term *kliba* is multifarious and resists reduction to the class of only eunuchs.

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[123] There is reason to question the relation between *kliba* and purity. In William Taylor's translation of the Telugu Letter of the Donative Manuscripts (number 299 of the Collection), the 20th section of Ritual, he states that: "In Suddha Chandrica, it is said that '[i]f a eunuch (Klipa) dies, the term of uncleanness to relatives is only 2 or 3 days'" (249, item 299).

The Sanskrit *shandha*, like *kliba*, is translated as eunuch in many nineteenth-century texts. In the context of the various translated texts discussed, *shandha* exists in several different forms. Not only do they represent a group that is excluded, but, in many texts, they rank quite lowly: in the *Manusmriti* and *Gautamasmriti*, their deaths are punishable by a comparatively weak sentence, although, in the *Vishnusmriti* it is not people that the term refers to, but animals. Also, in the *Mahabharata*, they are ranked as below oilmen, who are lower than *mlecchas*, who are the 'dirt of mankind'. They are spies in the *Arthashastra* and serve women in the *Vishnusmriti*. They are associated with illicit sex in the *Garuda Purana* and with a lack of masculinity and the third sex in the *Mahabharata*. Finally, in the *Naradasmriti*, they are naturally impotent and can have sex with women every half a month. Situated in such a framework, *shandha* cannot be reduced to the English translation of 'eunuch', but clearly refers to a complicated figure in these texts. Nonetheless, various nineteenth-century translators rendered this term in such an inaccurate fashion.

Certainly, various contemporary discussions of Sanskrit texts -- such as *Naradasmriti* (Hiltebeitel 1980) and the *Arthashastra* (Roscoe 1997) -- continue to define the word in terms of castration. However, even these scholars recognise that such a rendering is problematic. In his discussion of the story in which Urvashi cursed Arjuna in the *Mahabharata*, Hiltebeitel understands Arjuna's state of being a *shandha* to refer to his castration, which, he argues, is a representation of the God *Ardhanarisvara*, a form of *Shiva* who is half-man and half-woman (Hiltebeitel 1988). Like his earlier discussion of *kliba*, Hiltebeitel here recognises that the Sanskrit term points to something more than a eunuch, in spite of his translation; that is, his use of the word 'eunuch' points to a rich religious semiotic.

In addition, other writers comment on the complexity of the word; many scholars, including Sweet and Zwilling (1993), associate *shandha* with various groups of persons. Categorising the term to refer to a subset of *napumsaka*, Zwilling and Sweet (2000) state that, while it denotes "an impotent man" (110), according to the *Caraka Samhita* (3.2.14-4), it also signifies "sexual abnormalities affecting both males and females" (Zwilling & Sweet 2000: 111). In addition, *shandha* can indicate "homosexual practices and effeminacy in men" (111). As Doniger and Smith (1991) note, one commentator of the *Manusmriti* (3.150) linked *shandha* with the polysemic *kliba*. Furthermore, drawing on the *Manusmriti* (11.134), they note that: "One commentator on this verse says that there are four kinds of impotent man (*shandhas*): a man who has no seed, whose seed is blighted, whose sensory organs do not function, or who manifests both (sets of sexual organs)" (234). Referring to the *Sushrat Samhita*, Giti Thadani (1996) notes that *shandhas* are said to lack semen and desire like a woman. Yet, in spite of the characteristic of impotency, she purports that the *shandha* is a homosexual man. Wilhelm (2005) distinguishes *shandha* as: "(1) a transgender person; (2) a homosexual or intersex person of the third sex; (3) any impotent or castrated man" (201). Also, Gyatso (2003) argues that the term denotes a man who "lacks either female or male genitals *by nature*" (footnote 95). Therefore, while many of the above discussions disagree, they all indicate that the term points to a multiplicity of different persons, most of who would be classified as having a non-hegemonic gendered or sexed identity, often in terms of procreative potential.

Another important word is *pandaka*; although it is most common in Pali texts, there are references to it as meaning 'eunuch' in Sanskrit texts (Borradaile 1865[1827]; Mandlik 1982[1880]: 3.273) and dictionaries by Graves Champney Haughton (1987[1833]) and Monier Monier-Williams (1899[1851]). Contextually, *pandaka* refer to people who cannot keep secrets and cannot be enlightened. They tempt monks, yet monks are often warned against pretending to be *pandaka*. And, like the other translations of terms thought to refer to eunuchs, they are excluded from a wide range of social activities.

Recent discussions of the term highlight its complex meanings. In fact, in referring to a passage of the *Naradasmriti* that speaks of *pandaka*, Hiltebeitel maintains that the term refers to fourteen types of eunuchs (Hiltebeitel 1980). Part of the reason for this, no doubt, is that, as Leonard Zwilling (1992) asserts, this term is most likely derived from "*apa* + *anda* + *ka*" (204)[124], which means 'without testicles'. However, Zwilling cautions against interpreting the term to denote castration, but, instead, after examining the use of the term in several texts, thinks that it should denote a lack of masculinity. Part of the reason for Zwilling's claim is there are at least six types of *pandaka*. According to the *Samantapasadika* of Buddhaghosa, there are five subcategories of *pandaka*: *napumsaka* or 'congenitally impotent'; *usuyapandaka* or those who satisfy their sexual desires through voyeurism; *pakkhapandaka* or those who are impotent for 14 days of the month; *assittapandaka* or those who give fellatio to satisfy their own sexual desires; and *opakkamikapandaka* or those who need special effort or artifice to ejaculate (Zwilling 1992)[125]. It is only according to the commentary to the *Abhidharmakosha* of Yasomitra, that there is another category, *lunapandaka*, which includes castrati. From this, it is evident that *pandaka* does not necessarily, or primarily, mean eunuch, but mostly refers to those who exhibit 'gender variance' (Zwilling & Sweet 2000: 109).

Some modern writers concur with these authors and continue to translate *pandaka* as homosexuals. Not only does Vanessa Baird (2001) understand the term to designate "transgendered homosexual males" (85), but Bernard Faure (1998) asserts that the word denotes, not eunuchs, but "passive homosexuals" (73), even though he also links it to the characteristics of hermaphrodism, impotence, and, in some contexts, castration. However, capturing the polysemous nature of the Sanskrit and Pali idiom, Gyatso (2003) states that the term cannot be defined in a consistent nor coherent fashion. Instead, it is a "catchall for an ever-expanding array of sexual aberrations on ever-shifting grounds -- even psychological and social ones. ... Or to put it another way: taken as a whole, *pandaka* is the category of the uncategorizable. And such a category is very relevant for Buddhist monasticism indeed" (107). Similarly, L. P. N. Perera asserts that *pandaka*, while originally being a non-Aryan word that referred to castrates, came to include many categories of 'sexual weakness' and 'sexual deviants' (Perera 1993).

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[124] For a critique of this, see Gyatso (2003).

[125] For an excellent discussion of Buddhaghosa's text, see Perera (1993).

Some academics assert that *pandaka*, like the words *kliba* and *shandha*, has its roots in the term *napumsaka*. Agreeing with Zwilling's argument that *pandaka* has at its root *napumsaka*, or 'lacking maleness', Jose Ignacio Cabezon argues that *pandaka* cannot be reduced to only same-sex desire. Instead, it also refers to effeminacy, especially in terms of: "being exceedingly lustful, incapable of following religious discipline (monastic ordination was denied to them), and vacillating in decision making" (Cabezon 1993: 88). In addition, translating the term *pandaka* as eunuch has one other difficulty. In the *Kullavagga*, there is a reference to women who cannot be ordained and, included in this list, is *itthipandikapi* (10.17.1). Where *itthi* changes the *pandaka* to refer to a woman, thereby signifying a female *pandaka*, Isaline Horner, in his translation of this passage, depicts this figure as a "female eunuch". However, if *pandaka* refers to a castrated male, what does it mean to castrate a female? Given this word, it would be a reasonable deduction that *pandaka* does not refer to a eunuch, but to some other class of person. Consequently, it seems that the term that colonial translators defined as eunuch resists such a category.

As mentioned above, *napumsaka*, the first of the five types mentioned by Buddhaghosa, is also often translated as 'eunuch' by British translators. The term is also translated as 'eunuch' in the important epic, the *Mahabharata* (Ganguli 1883-1896: 12.142, 12.258, 18.89; Dutt 1997 [1895-1905]: 12.142, 12.258, 18.89). In the texts of which I provided a brief overview earlier, *napumsaka* is mentioned in particular contexts. First, in the *Vishnusmriti* (63.38), in addition to *kliba*, it is to be avoided by householders. This indicates that, at least in this articulation, the two terms are different. Second, in the *Mahabharata*, Brihannala is identified as belonging to the ranks of *kliba*, *shandha*, *tritya prakriti*, as well as *napumsaka*, which suggests a common factor that all terms would indicate; in fact, elsewhere in this epic, *napumsaka* is identified with the third sex. Again like *kliba*, *napumsaka* refers to someone who cannot rule in the *Mahabharata*; in fact, in this epic, a *napumsaka* cannot be present when the king engages in his consultations.

While *napumsaka* may have originally referred to sacrificial animals, contemporary writers like Zwilling and Sweet (2000) maintain that it became a "technical term for the third grammatical gender, and for the third sex as well" (102); however, Zwilling and Sweet doubt that the term refers to castration in Vedic times, since this would involve mutilation of the sacrifice, a practice which was prohibited by the Vedic teachings. Drawing on the writings of Buddhaghosa, Leonard Zwilling (1992) argues that *napumsaka* denotes one who is "congenitally impotent" (204) and one who is "lacking maleness" (205). Doniger and Smith (1991) concur with this translation, choosing to link the term with 'non-man'[126]. Further, according to a commentator of the *Manusmriti*, they link *napumsaka* with other expressions: hermaphrodites, men with blighted semen, and, of course, *shandha*. In another book, Doniger defines *napumsaka* as a "term that may designate a eunuch, an androgyne, or an impotent man" (O'Flaherty 1980: 308). Wilhelm (2005) understands the Sanskrit word to mean: "a homosexual male; ...a transgender or intersex person of the third sex; ... any impotent or castrated male; ... sexually neutral persons such as children, the elderly, and celibates" (196). Another scholar, Vinay Lal (2003) notes that in the tale of Arjuna's curse in the *Mahabharata*, a *napumsaka* is "a neutered transvestite of ambiguous sex" (185)[127]. However, Lal (2003) insists that he is not a eunuch, since Brihannala is "a feminine noun, [that] means 'having a large reed', or, as is quite evident, being well endowed with signs of manliness" (185). Given this confusion over *napumsaka*, it is no surprise that other academics define the idiom to refer to homosexuality. Robert Goldman (1993) argues that *napumsaka* "appears to refer to a male homosexual, also suggests emasculation, transvestism, or both" (footnote 395). Similarly, George Artola (1975) combines several of the above notions, and conceptualises *napumsaka* as "not really a male" (68), but denoting a homosexual.

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[126] Also, others define in terms of the lack of manhood, including: Gyatso, 2003; and Thadani 1996.

[127] Also, some translate the term to mean neuter, and not male or female (Wallace 2001).

*Tritiya prakriti*, which can be found in the infamous version of the *Kamasutra* (9.1) by Richard Burton and F. F. Arbuthnot (1963[1883]), is another example of a Sanskrit term which is taken to indicate a eunuch. Their translation of *tritiya prakriti* as 'eunuch' is probably the best example of a translation that is simply incorrect, even though some writers still use it in contemporary references, such as Hiltebeitel (1980), Bullough (1976), and Roscoe (1996). The term, literally 'third nature', has been understood to mean transvestite by Artola (1975), and "those who are homosexual, transgender, or intersexed by nature", by Wilhelm (2005:205). Many writers have asserted that the term challenges the notions of a gendered/sexed binary by positing a non-dualistic third category. For example, in Walter Penrose's (2001) discussion of Yashodhara's commentary on the *Kamasutra*, he emphasises that Yashodhara stated that *tritiya prakriti* is the same as *napumsaka*, since they both refer to the neuter. Zwilling and Sweet (2000) maintain that this association took place by fourth and fifth centuries. Consequently, as Michael Sweet, in his chapter, 'Eunuchs, lesbians, and other mythical beasts: Queering and dequeering the Kama Sutra' (2002), argues, the connection of eunuchs and the *tritiya prakriti* is a "misunderstanding on the part of the translators [Burton and Arbuthnot] yet one that has the status of a received opinion until recently" (78).

However, the term *tritiya prakriti* appears outside of the *Kamasutra*. Through an interesting connection with *shandha* and *kliba*, the term is also present in the *Mahabharata*. In this classic, there is a story[128] of one of the main heroes, Arjuna. During his thirteen-year exile, Arjuna, with his brothers, decided to sneak into the kingdom of Matsya. Each brother took on a different disguise, with Arjuna dressing up as Brihannala. This, however, is a complicated passage, since various Sanskrit words are used to describe Brihannala: she is *tritiya prakriti* (4.2), *shandha*, (4.2), *kliba* (4.11, 4.39), and *napumsaka* (4.36). Subsequently, the English translation of the terms is equally as complex: Ganguli and Dutt take all four terms to refer to the 'neuter sex' and the 'third sex'.

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[128] This is one of the few references to 'eunuchs' that is not based on exclusion, even though the epic contains many other passages that speak of exclusion.

However, both understand *kliba* to indicate a eunuch (4.39), even though, in the same passage, they translate *kliba* to denote the 'third sex'. Also, Monier-Williams (1863) comprehends *tritiya prakriti* as referring to eunuchs (105). Generally, though, the most common representation of Brihannala is as a eunuch in this section (Besant 1899; Oman 1912[1894]; Monier-Williams 1863). In many of these depictions, it is not the court of the ruler that is being infiltrated, but his harem. Hanns Oertel (1905), for example, states that Arjuna "is clothed as a eunuch and so gets acquainted with the daughter of Virata in the harem" (185). Roscoe, in fact, identifies the expression as eunuch with the *hijra* in several texts: the *Kamasutra*, the *Mahabharata*, and the *Ubhayabhisarika*

This last text deserves a brief discussion. Not only does Roscoe conflate *tritiya prakriti* with eunuch, but Manomahan Ghosh (1975) also identifies the *tritiya prakriti* of the *Ubhayabhisarika* as a eunuch. The *Ubhayabhisarika*, a play that, based on its language, Ghosh dates at around 350 BCE[129], is about courtesans of Kusumapura (now Patna). First translated into English by Sukumar Sen in the *Calcutta Review* in 1926, this text features a character, Sukumarika, who is *tritiya prakriti*. The reason that this is significant is that several scholars have comments on the meaning of this Sanskrit expression in the context of this drama. For instance, in their translation of the text, T. Venkatacharya and A. K. Warder (1967) note that: "The 'third sex' may refer to neuter, or in some schools of *Sankhya* philosophy, it may mean Darkness (*tamas*) as the third quality or kind of primordial Nature. Probably the author meant to suggest *both* the evils of darkness and sexlessness" (69). Artola (1975) remarks on Sukarmarika's depiction: she dresses and acts like a woman. However, her lover does talk of her sexual merits: "'Though tightly embraced, your breasts cause no obstruction to making love; the seasonal period does not destroy your passion every month, O fortunate one! You will have no embryo which would be the enemy of the fulfilment of the grace and beauty of fresh youth'" (67, trans. by T. Venkatacharya). Based on this, Artola identifies Sukarmarika *qua tritiya prakriti* as a 'true' transvestite. Thus, while there are many academic debates about the specific nature of the *tritiya prakriti*, most writers who take the term up critically agree that it does not mean eunuch, but refers to a gender in a non-dualistic framework.

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[129] A more conservative reference would be Tarla Mehta's (1995) fifth century C.E.

Another term, *varshadhara* -- also called *varshadharsha*, *varshavara*, *varadara* and *varada* -- is often used to denote eunuchs in the harem. The most common text in which this term arises is the *Arthashastra*. Monier Monier-Williams (1899[1851]) identified *varshadhara* -- with *varshadharsha* and *varshavara* -- with eunuchs who are employed as attendants in women's apartments (927). Likewise, Horace Wilson (1979[1874]) defined *varadara* and *varada* as eunuchs who worked in the women's quarters (627) and *varshadhara* as "[a]n eunuch or attendant on the women's apartments" (634). Arthur MacDonell (2004[1893]), too, understands *varshavara* to indicate a eunuch. In fact, in the third- or fourth-century Sanskrit treatise on Indian dramaturgy and histrionics, the *Natyashastra*, *varsadharas* are said to be attendants in the harem. However, it is also defined in other terms; Wilson (1979[1874]) defines this term as "a niggard, a miser"[130] (378).

In more recent discussions, the term continues to be translated to signify the castrated, especially through its association with the harem. In his *Sex Life under Indian Rulers* (1974), Rajaram Narayan Saletore translates the *Arthashastra* as referring to eunuchs with its mention of *varshadhara*. He refers to eunuchs in the *antahpura*, which he translated to mean harem, in the fourth century BCE under Kautilya; their job was to censure morals, guard, spy, and regulate affairs of the harem. Likewise, Roscoe (1996) translates the term to indicate eunuchs, which he takes to be related to the modern *hijra*. Furthermore, in his translation of the *Natyashastra*, Ghosh (1967[1951]) renders *varsadharas* to denote eunuchs, a translation with which Roscoe (1976) concurs.

George Artola (1975) observes that, in the *Natyashastra*, *varshavara* denotes a trusted member of the *antahpura* (women's quarters). Referred to as a 'he', he is accompanied with other male attendants -- *kanukiya*, *karuka*,

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[130] Apte (1968[1890]) uses the same word -- miserly -- to describe the attribute of another eunuch: *vadhri*.

*aupasthayika*, and the *nirmunda* -- "whose duties are to run errands for the women and to protect young maidens" (58). Also, in this text, one should dress like one of another sex by way of disguise "for sexual intercourse and even more so, out of deception" (60, trans. by Artola). Artola speaks out against translating *varshavara* (or *nirmunda*, for that matter) as 'eunuch', even though this is the norm, since eunuchs are castrated and these others are, he argues, not. To support his position, he draws on the *Bhavaprakashana* of Sharadatanaya, which states: "'The *varshavaras* are said to be, either by birth or by their own volition, cowardly, effeminate, weak, inamorous and without (heterosexual) desire" (59, trans. by Artola). Even though he translates the term to indicate eunuchs, Ghosh writes that "[p]ersons of poor vitality, who are clever and are hermaphrodites and have feminine nature, but have not been defective from birth, are called *Varsadharas*" (34.79-80). Thus, the word *varshavara* does not necessarily indicate eunuch, but, like many of the other terms, can reference, among other persons, an effeminate man.

The final term that I will discuss here is *kesava*. Originally taken to refer to eunuchs in Julius Eggeling's (1963[1885]: 5.1.2.14) translation of the *Shatapatha-Brahmana*, H. G. Ranade (1978: 14.1.14, 15.5.20), in his translation of the *Katyayana Srauta Sutra*, as well as Hiltebeitel (1980) in his work, translates the Sanskrit word to refer to eunuchs. In addition, David Shulman (1980) remarks that the *kesava* of the *Shatapatha Brahmana* does indeed refer to a eunuch, or someone who is neither a man nor a woman. However, this word literally means long-hair one, and does not necessarily signify eunuch. In fact, insofar as it represents effeminate men, Zwilling and Sweet (2000) assert that it is a synonym for impotent men.

The translation of the various Sanskrit terms -- *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava* -- as eunuch, then, is not the only way to render the various texts. In the previous discussion, I do not mean to suggest that taking the multiple idioms to indicate eunuch is necessarily incorrect. At several points, such a translation makes sense. However, this is not the only, or even most intelligible, way of representing the Sanskrit and Pali expressions.

Moreover, in spite of the temporal range within which these varied texts were written, the British treated their linguistic terminologies as static. The question that arises, then, is why did the colonial translators translate these polysemic words and phrases as 'eunuch'? How was 'eunuch' understandable in the contexts of these passages?

### Impotence, Masculinity, and Thirdness

The term 'eunuch' has several connotations. In this section, I want to do two things. First, I wish to explore how the word was understood by nineteenth-century translators. As I will argue, 'eunuch' did not just signify the removal of a penis, but pointed to a larger gendered context, one that evoked three notions: impotence; a lack of manly qualities; and an embodiment that disturbed these nineteenth-century authors. Yet, I argue that these three associations were not innocent, but articulated particular connections. Through a link to impotence, the term 'eunuch' is part of a Cryptocrystalline Orientalist discourse. Also, through its association with a lack of a particular type of masculinity, the 'eunuch' became a figure whose exclusion became defined against norms of British masculinity; that is, the sanction against eunuchs was made intelligible through the ways that they were thought to challenge an ideal of masculinity that has its roots in the British imagination. In this way, this association evokes a justification for governance, based on British conceptions of gender. Yet, the eunuch is also connected with thirdness, but in such a way as to critique their very embodiment; it was not just the deportment of the eunuchs that explained their exclusion, but their bodies themselves. Second, throughout this section, I will examine how the term was used in the context of colonial law, especially in the context of the ideology of 'Oriental' rule. How did the figure of the eunuch haunt the legal system? It is through this aspect of their depiction that their exclusion is highlighted, especially in relation to the above three notions.

The first aspect of such a semiotic is the conflation of eunuch and impotence. In the following section, I will first explore this conflation. Eunuchdom and impotence are linked through literary and legal means, which anchors such an association in practice, as well as in theory. Following this, I will discuss the ramifications of such a connection. Impotence signifies a far more complicated notion than just the lack of an ability to procreate; it connotes a lack of masculinity and a sexual excess characteristic of the Other (i.e., Cryptocrystalline Orientalism).

The link between eunuchs and impotence is ubiquitous in the various translations. For example, in both Ganguli's (1883-1896:13.145) and Dutt's (1997 [1895-1905]: 13.145.53) versions of the *Mahabharata*, they interpret *kliba* to refer to men without 'virile power'. One reason for this translation of *kliba* as impotent men, rather than as 'eunuchs', is that the passage refers to rebirth and one cannot be born a eunuch, since they are castrated; that is, one cannot be reborn as a eunuch, given that it is not a state into which one is born. Moreover, William Macnaghten (1828) discusses six types of *klibas*, or impotent men: "The impotents are divided into six heads, namely, *Shandaca*, *Vataja Shanda*, *Panda*, *Cliva* [*kliba*], *Napunsaca* [*napumsaka*], and *Kilaca*" (footnote 134). The connection between terms translated as 'eunuch' and impotency is ubiquitous in the various translations. For instance, it is also evident in many of Colebrooke's translations, which served, not only as the template for many of the following renditions, but also as a reference for much of the colonial law of the nineteenth century. One example of this is his translation of the twelfth-century *Dayabhaga*, in which he translates that the *Apastambasmriti* documents that "'[i]mpotent persons [*kliba*] and outcasts are excluded from a share of the heritage'" (Colebrooke 1864[1810]: 5.7). Yet, in another place, in referring to the same passage, he refers to the *kliba* as a eunuch (5.17). Furthermore, in Colebrooke's translation of the twelfth-century *Mitakshara*, one that was authoritative for much of the legal literature that followed, he states that, according to the commentary of Balambhatta on the *Mitakshara*, impotence can be "naturally so, or by castration" (1864[1810]: footnote 124). Based on Colebrooke's influential translations, two of the main texts on Hindu inheritance law -- the *Dayabhaga* and the *Mitakshara* -- were codified to refer to eunuchs because of their impotence.

This conflation of eunuch and impotence is not just to be found in the works of Colebrooke, but is common to many translations, especially of texts that serve as the basis for colonial law[131]. Given that these Sanskrit law-books are understood to discuss impotent men, it is not a surprise that this concern is reflected in various nineteenth-century books on law. Thomas Maurice's *Indian Antiquities* (1800), for instance, records one of the earliest references to eunuchs and impotent men as being excluded from inheritance, although he states that they must be cared for by the heir "under severe denunciations of spiritual vengeance" (879). Also, John Dowson Mayne, in his *A Treatise on Hindu Law and Usage* (1953[1878]), translates the various Sanskrit terminologies in the *Gautamasmriti*, *Manusmriti*, *Naradasmriti, Vishnusmriti*, and *Yajnavalkyasmriti* to indicate impotent men. However, Mayne conflates eunuch and 'impotent men' at several points. While he notes that the *Apastambasmriti* (2.6.14.1) and the *Vasishthasmriti* (17.54) -- both originally using the word *kliba* -- refer to eunuchs (footnote 713), he later comments that these very passages indicate impotent persons (footnote 714). Again, it is the impotence of the eunuchs that constructed them, through these translations, as beings who could not, according to what the British thought were indigenous traditions, legally inherit.

The reason for this legal concern with the judicial consequences of impotence is that "[a]n Act of Parliament passed in 1781 provides with regard to Hindus that their inheritance and succession shall be determined by their own laws, and that regard shall be had to their civil and religious usages" (Cowell 1895: 1); that is, law had to reflect the ideology of 'Oriental' rule. Legalists such as Thomas Strange (1864[1825]), William Macnaghten (1828), and Herbert Cowell (1895) draw on both the *Dayabhaga* and the *Mitakshara* to outline such regulations on inheritance for impotent men. Strange, referring to Colebrooke's translation of Balambhatta, explicitly asserts that such references to impotence indicate castrated men, as well; he links impotence unambiguously to eunuchs through the terms *kliba*, *shandha*, *pandaka*, and *napumsaka*.

One place where these notions of eunuchs and impotence intersected was in the realm of inheritance law. Cowell (1895), for example, argues that various inheritance tenets -- ones that were based on passages speaking of *kliba*, *shandha*,

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[131] See: Borradaile 1865[1827]; Mandlik 1982[1880]; Wynch 1865[1818]: 3.1-17.

*pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava* -- were based on the fact that they could not procreate, and thereby not hand down property to offspring. Mayne (1953[1848]), too, asserts that it was their lack of an ability to procreate that informed such inheritance laws. The outcome of this can be seen in the court case S. *versus* B. (4th July 1892). In this case, British judges had to decide whether to allow a marriage to be annulled on the basis that the man was impotent with his wife because of his disgust for her (*The Indian Law Report* 1898). In the end, High Court Judge Jardine decided that this was permissible. From this, it can be seen how such evaluation of knowledge was used in the process of governing.

In fact, this relationship between impotence and eunuchdom can be illuminated by an important piece of legislation: Part 2 of Act 27 of 1871, known as the Eunuch Act. The author of this legal work, James Fitzjames Stephen, writes that: "The term 'eunuch' shall, for the purposes of this Act, be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent"[132]. In the original Bill of this Act, the relationship between eunuchs and impotence was not made clear; Stephen's inclusion was meant to make explicit this association. The reason for this alteration was that some of the comments of other legal experts demanded it. Specifically, quoting from a letter that he had originally sent to John Strachey in London, Syud Ahmed Khan Bahadur reports that there were three types of eunuchs: *khoja*, *hijra*, and *zanana*. On this last group, he has this to say:

> The third are eunuchs not by castrations, but whose impotence is caused by some defect of birth, by accident, or other natural causes. These mix and associate with those of the second class, and imitate and view with them in their obscene and disgusting depravity.[133]

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[132] B.L: IOR/L/PJ/5/14. Act XXVII of 1871, The Criminal Tribes and Eunuch Act: Section 24.

[133] B.L.: IOR/ L/PJ/5/14. Syud Ahmed Khan Bahadur's reply in the debates around the Criminal Tribes' Act. (no date).

In defining the eunuch in terms of impotence, Stephen acknowledges this situation, and agrees to expand the definition of eunuchs so that all of the relevant classes would be included[134].

What was the significance between this connection of eunuchs and impotence? As is clear from the colonial regime of translations, impotence was a complicated notion in nineteenth-century England. Generally, however, it was associated with a lack of masculinity. According to Angus McLaren (2007), in England, impotence was tied to effeminacy, homosexuality, sexual excess[135], and masturbation. That is, impotence was being constructed as a crisis in masculinity. In addition, he asserts that impotence was decried as a failure of the potential to continue the species. However, moving from strictly the biological to the realm of the psychological, impotence was also depicted as the result of the failure of will; virility as a biological category was replaced by restraint and willpower. In fact, it was often thought that impotence had to do with the mind, although this was mostly constructed as a symptom of over-civilisation.

However, in the context of his discussion of the so-called 'East', McLaren notes a change in this construction; impotence is represented as the counter to the virility of the 'West'. Through this depiction, though, the willpower of the Europeans was constructed as a way to avoid the impotence that would result from the passions of the East:

> Doctors warned Americans and Europeans that only through their willpower could they avoid the fate of the East. On the one hand, pornographic classics such as *The Lustful Turk* (1829) asserted that in the Levant men were allowed to give vent to every passion. On the other hand, a literature that began with Montesquieu's *Lettres persanes* (1721) held that the hotter climate and the availability of compliant harem girls ultimately rendered the men of the Middle East impotent. (118)

Furthermore, in the European imagination, the sexual excesses of the Muslim led to impotence, excesses that the controlled will and strong mind of the Europeans could avoid. Subtly, then, the Eastern man was depicted as one devoid of self-constraint; through the discussions of impotence, a Cryptocrystalline Orientalist discourse was articulated. In the South Asian context, McLaren recalls the words of Robert Taylor, author of *A Practical Treatise on Sexual Disorders* in 1897: "'that in the East Indies there is scarcely a virile man over twenty-five years of age. The sexual decay in these men is due to the practice of long-protracted coitus'" (118). Impotence, then, is a product of sexual excesses. Yet, these overindulgences alone did not create infertility; impotence was understood as a consequence of their licentiousness. Those in the subcontinent suffered from inability to procreate because of their immorality. In this way, the discussion of impotence must be understood as part of Cryptocrystalline Orientalism.

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[134] B.L.: IOR/L/PJ/5/14. Statement of the Members of the Sect Committee of the Council of the Governor General for making Laws and Regulations 1871.

[135] In fact, some British medical officials in England (Litchfield 1836) associated castration with sexual excess, as the latter makes the former necessary. Yet, in terms of female castration, the process is sometimes discussed as a solution to the problem of nymphomania (Wells 1891).

Connections between eunuchs and impotence, a common theme in not only legal texts, but in other colonial ones, therefore constructed the exclusion of the eunuch in certain ways. They were immoral, licentious, and suffered from an absence of masculinity. This is captured, the British thought, in the law-books of the 'natives', and was, therefore, enforced onto the populace, in accordance with the ideology of 'Oriental' governance. These qualities are also present in the types of exclusions that the so-called eunuchs were thought to have in indigenous law. Associating eunuchs with servitude and legislating against ruling by eunuchs, not to mention their supposed inability to fight righteously, this regime of translation connected eunuchs with a lack of masculinity characteristic of McLaren's arguments. Furthermore, the exclusions were intelligible in the light of such depiction of Cryptocrystalline Oriental immorality; many of the sanctions can be read -- as does Arvind Sharma in his above discussion of purity -- as consequences of the debauched lifestyles of the locals.

However, the word 'eunuch' was associated with more than impotence. Even though the plethora of Sanskrit words were translated to mean 'eunuch', they were connected to other meanings. For example, outside of the context of this regime of translation, the term *kliba* was associated with a varied range of meanings. Graves Haughton (1987[1833]), for example, represents the term to mean: weak; impotent; of the neuter gender; and a natural eunuch (832). He also depicts it to refer to "Neutrality, stupidity; the being a eunuch or hermaphrodite" (832). Similarly, Monier Monier-Williams (1899[1851]) depicts *kliba* as: "impotent, emasculated, a eunuch ... unmanly, timorous, weak, idle, a coward ... of the neuter gender" (324). Arthur MacDonell (2004[1893]) renders *kliba* as: "emasculated, impotent; unmanly, timorous, cowardly; ... eunuch; weakling,... neuter (gender)" (77). Horace Wilson translates *kliba* as "[t]he neuter gender [and a] eunuch" (1979[1874]: 214) and "[w]eak, impotent, neuter: in law, an impotent man, and therefore disqualified, in many respects, as a party or an evidence" (1855: 291). Even Vamam Apte (1968[1890]) describes *kliba* as: "Impotent, neuter, emasculated. ... Unmanly, timid, weak. ... Of the neuter gender" (169). Likewise, *shandha* was understood to refer to an array of characteristics. Haughton (1987[1833]) asserts that *shandha* is a derivative of the Sanskrit, *shalu*, which refers to a eunuch and a clown (2462). *Shandha* itself, he maintains, refers not only to a eunuch, but to an impotent man. Monier-Williams (1899[1851]) defines the word as "a eunuch, hermaphrodite ... the neuter gender" (1108). *Napumsaka* also represented a point of intersection of various meanings. Arthur A. MacDonell links the term to "neither man nor woman ... of neither gender ... hermaphrodite ... neuter word, neuter gender", while Horace Hayman Wilson (1979[1874]) associates it with imbecility and the "neuter gender" (378). Furthermore, John Gilchrist states that *napumsaka* is a Persian word for unmanly, or effeminate, men (1787-1790) and can be used to describe a hermaphrodite (1800). Finally, Haughton (1987[1833]) depicts the term as referring to "a hermaphrodite ... Destitute of virility. ... (In grammar) Of the neuter gender" (1534). These words, then, were represented as referring to a category of sexual and gendered difference, insofar as they denote both a biological classification of non-reproductive maleness and behaviours thought to be non-masculine. These attributes were conflated under the notion of 'eunuch' in the translated texts. These Sanskrit expressions, then, were understood as more than referring to impotence and eunuchs, but clearly indicated a deviation from masculinity.

This association with the Sanskrit terms and a lack of masculinity can also be seen in the contexts in which the words were translated as eunuchs. In the discussed texts, the figures who were depicted by terms that were translated to mean eunuchs had a variety of characteristics. They were dependent on others for support and were associated with harems, which, with their relationship to the guardian-eunuchs, carried with it a link to feminine traits. Sometimes, the words were translated as 'unman'. Some connect these persons with the feminine through marks of effeminacy, dancing, and dressing like a woman. They engage in fellatio with, and are sexually tempting to, men. Furthermore, they cannot keep secrets, have little aggression, cannot fight righteously, and cannot rule. In addition, it was considered to be a deviation from the rules of ethic warfare to strike a eunuch in battle. Also, they are linked with servitude, and, in some passages, are explicitly described as having no masculinity. While these attributes do not have any inherit relationship to masculinity, *per se*, they do reflect a particular British articulation of masculinity.

Related to this construction of 'eunuchs' is the depictions of them as a third or neuter sex. This representation is another site that illuminates how the term 'eunuch' was understood by the translators. For example, in his translation of the *Mitakshara* (1864[1810]), Colebrooke states that an 'impotent man' is defined as "one of the third gender (or neuter sex)" (2.10.2). Also, in his translation of the *Mitakshara*, Gharpure (1937) states that *shandha* refers to both a eunuch and the 'third sex'. In his *The Texts of the White Yajurveda*, Griffith (1987[1899]) notes that it is to be a *kliba* of neither *shudra* nor *brahmin* caste that must be sacrificed to Prajapati. Given that these are the lowest and highest castes, this suggests a degree of liminality. However, the best example is in the *Shatapatha Brahmana*, in which eunuchs, because they are "neither woman nor man", must be involved in a ritual that, itself, is liminal (Eggeling 1963[1894]: 12.7.2.12). This is echoed in another passage of the same *Brahmana*, which Eggeling (1963[1894]) translates to say: "For a long-haired man is neither man nor woman; for, being a male, he is not a woman; and being long-haired (a eunuch), he is not a man" (5.1.2.14). Thirdness was understood in terms of embodiment. Yet, this was not, as the notion of third sex would suggest, a category of 'thirdness', but was one that evoked a gender regime that echoed of British sensibilities.

In this period, 'third gender' was considered a category that challenged dominant notions of the sex binary. As Frank Proschan (2002) asserts, the British during the latter half of the nineteenth century were challenged by the lack of sexual dimorphism in the colonial context. Thus, linking eunuchs with the 'third gender' indicates that they are not only neither man nor woman, but are a category of person who slips between the binary. In fact, in England during the nineteenth century, there was a movement to understanding the dualism of sex in terms of the gonads (Dreger 1998; Fausto-Sterling 2000; Laqueur 1990), a situation that defines the eunuch as outside of the naturalness of sex. However, since they were formerly on the male side of the sex spectrum, eunuchs represent a male failure; such a failure paints eunuchs as effeminate in the European imagination (Conner 1993; Hiltebeitel 1980; Klosowska 2005; Kuefler 2001; Nandy 1983; O'Flaherty 1980; Proschan 2002). Given their representation as liminal yet effeminate, the European observer was confused; "the authority wielded by the eunuchs, their immense wealth, and the visible signs of their high status -- especially the kissing of their hands -- provoked Europeans to varying degrees of puzzlement and disgust" (Marmon 1995: 99).

Consequently, instead of being just neutral, those of the third or neutral sex are represented as not being male. That is, they are not depicted as a third sex like the other two, but, instead, are portrayed as an inferior subset of one sex: men. While being represented as neither male nor female, it is their female attributes -- dancing, dressing in women's clothes, and having effeminate qualities -- and violation of masculine ideals that are emphasised. Associated with hermaphrodites and the third and neuter gender by many writers (Gilchrist 1800; Haughton 1987[1833]; MacDonell 2004[1893]; Monier-Williams 1899[1851]; Wilson 1979[1874]), these various terms point to liminal persons. For example, in the quote from Eggeling (1963[1894]) provided above, he evokes the eunuch as a liminal figure. The attribute of liminality, however, was understood as referring to one who was not truly in between, but was a man who acted as a woman; the long-haired man is not a woman because he is a male -- a reference to the biological -- and he is not a man because he has long hair -- a reference to the social.

From these sources, then, it is clear that the semiotics of 'eunuch' is a complex one. It indicates impotence, for certain, but also speaks to the lack of masculinity. For these British linguists, a eunuch is a 'weakling', a lazy coward who is "neither man nor woman" (MacDonell 2004[1893]: 136). The thirdness of their gender points to more than just liminality; it implies the challenges to 'proper' masculine behaviour and gendered embodiment. In this way, the term eunuch serves to obfuscate other meanings. By using the term 'eunuch' in their translations, the interpreters of these texts allow these secondary meanings -- especially those of masculinity, sexuality, and the relationship among them -- to be subtly present in their renderings.

### Discursive Articulations

Why, then, did the English translators choose the word 'eunuch' to represent the varied notions of *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava*? In this final section, I argue that the notion of 'eunuch' embodied the framework of intelligibility of the colonialists, one that served as the basis for the law that they then 'imposed' (recalling chapter two, I would prefer the term 'translated') onto the populace, under the guise of 'Oriental' rule. However, the context of exclusion within which the British located the eunuch necessitated another dimension to this 'imposition'/translation. That is, the very term 'eunuch' was sensible as a figure that necessitated exclusion and subsequent sanction in the British imaginary. Consequently, given the position of the figure(s) depicted by the Sanskrit and Pali words in a framework of exclusion, I assert that the word 'eunuch', with its semiotic associations, represented an intelligible parallel to the colonial writers.

Yet, that which I call 'imposition' or translation was not always done with malice, even though its effects were certainly devastating. While the translators wanted to allow the English audience access to several Sanskrit works, it was in their capacity as colonial agents that they undertook this project. As I argued earlier, even local translators were part of this imperial project, since the act of translating indigenous languages into English within this context is an articulation of discursive architecture of Empire. Certainly, they did not all intentionally support an Imperial ideology; some pursued knowledge and science over the ostensible political goals of colonialism. However, because they were in a colonial context, many of their word choices were determined by the discursive structure within which they were located. Specifically, the social framework within which these linguists found themselves heavily influenced, if not determined, how they understood the texts that they were translating. The reason for this, of course, is that the circumstance in which they operated enabled a particular way of making sense of the texts. Consequently, the translators did not always intentionally mean to empower the Imperial ideology, but did so unintentionally.

It is apparent that the exclusion of eunuchs was important to the British, as can be seen in the works of Colebrooke (1874[1796]), Cowell (1895), Macnaghten (1828), Mayne (1953[1878]) and Strange (1864[1825]). Part of the reason for this was that, because of the stated desire of the British to rule the 'Orientals' through their own laws, the Hindu law-books held authority over non-criminal law for Hindus (Markby 1974[1906]), and criminal law until the introduction of the Indian Penal Code in 1860. Consequently, not only did the British need to understand how these books referred to eunuchs, but they had to understand why they dealt with them in the way they did. In the preface to his translation of the *Manusmriti*, William Jones (1796) notes that one of the important reasons for his translation of this writing was to enable the proper governing of India; "the legislature of *Britain* having shown ... an intention to leave the natives of these *Indian* provinces in possession of their own Laws" (3), must determine the 'manners and opinions' of the 'natives', so that they could govern them well. Colebrooke (1864[1810]) echoed this sentiment in his preface to his edition of the *Dayabhaga* and the *Mitakshara*:

> In the *Hindu* jurisprudence in particular, it is the branch of law which specially and almost exclusively merits the attention of those who are qualified themselves for the line of service in which

> it will become their duty to administer justice to our *Hindu* subjects, according to their own laws. (i)

This concern with knowledge for the purposes of correct governance can be seen in other later authors, such as the prefaces of various legal writers (Macnaghten 1828; Mayne 1953[1878]; Rumsey 1877; Strange 1864[1825]; Sutherland 1865[1825]); Wynch 1865[1818]).

Given that the larger context of their project was one of governance, the colonial translators did not choose the term 'eunuch' accidentally. In fact, the reason for such a choice was that it made the texts coherent to the translator; that is, it fit into their rubric of common sense, given their perspective *qua* colonialists. First, insofar as the different words implied a sense of impotence, the translators read this lack of virility as unmanly. Men, in a patriarchal social setting, are partially defined by their ability to procreate, thereby defining men who cannot breed as not men. This can be seen in the ways in which eunuchs in the Muslim harems, as discussed in chapter five, were represented: sexless (McCosh 1856), like women (Burges 1790), cruel (Knighton 1855), and subservient, all attributes the British men of the period defined as unmanly. The figure of the eunuch, then, captured the British understanding of impotence.

Moreover, impotence had a political dimension, one that privileged a particular conception of statehood. As Ashish Nandy (1983) argues, by favouring a particular form of masculinity over others, the British enabled "the traditional Indian concept of statecraft and gave the idea a new centrality" (7). That is, through the emphasis on a mode of masculinity that corresponded with the *Kshatriya* class, the British emphasised the *Brahminical* ideology[136] that defined this group as rulers and warriors. By constructing impotency in relation to the exclusion of these texts, the translators favoured a masculinity that supported their political project. Also, this is evident in another body of legal literature that excluded eunuchs: inheritance law. By removing eunuchs from inheritance, the legalists showed partiality towards a patrilineal system, one that nicely countered those who wished to follow a matrilineal one. By supporting such a system, the *Brahminical* ideology that defined Nandy's 'traditional Indian concept of statecraft' was made dominant over others.

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[136] Those who supported this ideology maintained that the *brahmins*, the priestly class, were at the top of the social hierarchy, followed by the *kshatriya*, or warrior/ruling class. Following these two castes were the *vaishya*, or merchant class, and the *shudras*, or the workers. Outside of this system were the 'untouchables'.

In addition to impotence, another reason that they utilised the word 'eunuch' was because it was an intelligible rendition within the framework of exclusion. Given the nature of the Sanskrit passages, especially in terms of exclusion, it was evident that the subject of the sections was abhorred. This can be evidenced in a passage on which the translators differed on the species of eunuchs to which was referred. The segment in question states that anyone killing a *shandha*[137] will be fined a load of straw and a *masha* of lead. However, since the context of this sentence is in relation to punishing those who kill animals, it is clear that it pertains to an animal. However, most translators do not make this distinction. Buhler in his rendition of the *Gautamasmriti* (22.23), and Jones', Burnell's, and Buhler in their versions of the *Manusmriti* (11.134), all take *shandha* to refer to a (human) eunuch. Only Jolly (1965[1880]: footnote 160)[138], in his translation of the *Vishnusmriti* (50.35) explicitly interprets *shandha* to refer to an animal. Thus, these British translators chose to ignore this reading of the passage, and render *shandha* as a human eunuch. The reason, I argue, for this is that the eunuch represented a creature within the translator's own lexicon that could possibly fit this obvious repugnance. Such a label of a weak and lazy coward who was neither man nor woman made sense in the context of such exclusion. This was more intelligible, it seems, than to translate *shandha* in these passages as an animal. Consequently, 'eunuch' signified British understandings of exclusion, with its relationship to masculinity.

Thus, by associating the term 'eunuch' with the lack of particular traits connected with masculinity, the colonial writers convey a very subtle insinuation. Since these 'eunuchs' were of interest to the British because of their exclusion, and they are lacking masculinity of a sort, then these two characteristics are elusively linked: their sanction is linked to their deviation from British norms of masculinity. Consequently, the translation of the Sanskrit and Pali words into English parallels a translation of 'Oriental' customs into British cultural intelligibilities. It is because of their departure from masculinity (one that the British thought was more universal than British) that explained the exclusions of the eunuchs. Tacitly, then, the semiotic of 'eunuch', as it was associated with a lack of masculinity, evoked these other layers of meaning.

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[137] While most texts refer to the said person being a *shandha*, the *Yajnavalkyasmriti* uses *pandaka* to describe a person whose death is to be punished in this way.

[138] However, although he is translating *pandaka*, and not *shandha*, Dutt (2005) asserts that this reference signifies "animals having no sex" (224).

Furthermore, non-heteronormative sexuality was virtually invisible in the writings of most colonial writers; the other meanings of the words *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava* were not part of colonial language. Words for intersexed and transgendered persons, homosexual men, and other terms for gender and sexual diversity were simply not in use. While various colonialists did utilise terms such as sodomite and catamite, these could not function in the translations, given the contexts of such writings. For instance, many of these words refer to someone who is liminal or is neither man nor woman; a translation of these terms as sodomite or catamite would not capture this. More importantly, though, most of the translators would not think of non-heteronormative sexuality as playing such an explicit role in the texts, given their nigh-invisibility in comparable British texts. One need only recall Macnaghten's (1828) words, in which he refused to discuss words such as *kliba*, *shandha*, *pandaka*, and *napumsaka* because they could not "be rendered in an intelligible manner, consistent with delicacy" (footnote 134)[139]. That is, British propriety was such that 'eunuch' was a far better translation than the other possibilities.

This translation had an extremely important effect: the translation of these various terms as eunuch, as a signifier of the third sex, represents an attempt to translate the indigenous gender regime. The spectre of the eunuch sutured the gap between the gender regime of the British and that of the 'Orientals'. That is, it translated an ostensibly three-gendered system into one that matches -- or comes close to corresponding with -- the imagination of the translators. By reducing what could be thought of as seven complex and varied Sanskrit and Pali terms into a single word that denoted, simply, a castrated male, these renderings diminished the third sex to an inadequate mode of one of the two sexes that is present in the colonial imaginary. This effectively translated the three-sex model as one that had, at the basis of its difference from the European two-sex model, the figure of the eunuch. Difference between the two cultural frameworks, that is, was reduced to the spectre of a failed man. Thus, with the introduction of the two-sex model and the subsequent criminalisation of violations to that regime, those outside of the acceptable space created by the two-sex model -- including hermaphrodites and eunuchs -- were constructed in particular ways that enabled their governance.

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[139] As will be demonstrated in the eighth chapter, this is a reoccurring theme in colonial literature. For example, in the discussions preceding the notorious Indian Penal Code, legislators would not discuss acts such as sodomy they thought that do harm to the moral of the 'community'.

In fact, this suturing is an extension of what was going on with the figure of the hermaphrodite, which I discussed last chapter. This stitching, though, evokes the *hijra*, as well. It can be recalled that the hermaphrodite, as a caricature, reduced the difference between the two-gender and the three-gender regimes to one of depravity and deviation. However, I noted that connections between the *hijra* and hermaphrodites became increasingly rare in the middle of the nineteenth century. Replacing these representations were those that linked the *hijra* to eunuchs. In this movement from hermaphrodite to eunuch, the suturing of the two gender regimes through the *hijra* was not lost, but changed. The difference was not simply constructed as being based in immorality, but was translated to denote a failure of masculinity. Consequently, the legal sanctions that become attached to such a category of thirdness embody this iniquity and rupture in masculinity, as I will explore in chapter eight.

Finally, the existence of eunuchs in India matched what the colonialists thought was the real Orient. Since eunuchs existed in the Orient of their imaginations, it was not too steep a step to find them in the law-books of the Indians. As Sweet (2002) states: "In the Victorian imagination, the making of eunuchs was invariably associated with the decadent East, but in reality they were rare, if not entirely nonexistent, in pre-Muslim India" (78). Such confusion, the author thinks, is due to the exoticism of the authors, what Sweet calls an 'Orientalist distortion'. Moreover, the notion of eunuchs in the Orient served to construct it as a place of despotism and cruelty (what I am calling discourses of Cryptocrystalline Orientalism). With eunuchs being excluded from varied aspects of social life, especially in conjunction with the discourse of rights in England, there is no doubt that the British frowned on such sanction based on sex. In the somewhat understated words of Thomas Strange (1864[1825]), it "appears harsh to divest their heritable rights" (152). Such words are echoed by other commentators on Hindu Law, albeit in the general context of inheritance law[140]. These sentiments are present in English law, also. In the words of *Taylor's Principles and Practice of Medical Jurisprudence*, which draw on the writings of Edward Coke, a noted legalist: "Sexual monstrosity is not a ground for depriving a being of the rights of inheritance, except under peculiar legal conditions" (Smith 1920[1883]: 277-278). By constructing a situation in which people were excluded from social life based on their sex, the colonial linguists represented the laws of the Hindus as harsh, thereby allowing a space for the 'civilizing mission' to colonise the legal framework. Such references, of course, indicate a contradiction in British depictions of sex: on one hand, they participated in the construction of exclusion based on sex; and on the other hand, they decried such exclusion, and used it to represent the Orient as despotic and cruel.

While the reasons provided for translating the seven Sanskrit terms as 'eunuch' are not exhaustive, they do point to a significant consequence: through the regime of intelligibility of the British, in combination with the colonial reality, a social group of eunuchs was constructed. A history was invented, relations were produced, and parameters for governance were fabricated. While the reasons for this fabrication may not have been conscious, but represented the ways in which the 'Orient' itself was translated into a colonial intelligibility, it served to suture the indigenous and colonial gender regimes in such a way as to reduce difference to an abhorred monster, a caricature of masculine failure.

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[140] For an example, see Sutherland (1825).

## Conclusion

The figure of the eunuch that emerged in this regime of translation of late eighteenth- and nineteenth-century texts through an investment in the legal writings of the period was largely a consequence of troubled British notions of masculinity, sexuality, and the relationship between the two in the colonial framework. It served to suture the different gender regimes in the imperial landscape of South Asia, demonstrating how a subtle process such as translation can have larger affects on conceptions of sexuality and gender in colonial contexts. Moreover, because many of these terms were not defined by their contexts in the original texts, the movement of translation -- in this case from Pali and Sanskrit to English -- created a space of possibility. This space was framed by the colonial sensibilities and was then filled with a spectre that reflected such intelligibilities. Consequently, the regime of translation represented Empire itself; it was one of the engines of Empire.

The consequences of this translation were significant. Using these indigenous writings as the basis for legislation, the legal system, particularly through the Act 27 of 1871, forced those without genitals to conform to the rules and regulations spelled out in the various Sanskrit texts. The Act, in fact, made it illegal for eunuchs to act as a guardian to any minor, to make gifts or wills, or to adopt sons. Judicially, the police and courts prohibited castrated men from inheriting property. In fact, as I discussed in the last chapter and will elaborate on in chapter eight, this was done by explicitly linking the criminal qualities of these eunuchs with the *hijra*. Such examples demonstrate how language was a tool of Foucaultian governance, and served to support the world view of the social group in power: the British Imperialists.

Yet, the import went beyond just the legal sphere; these definitions had other, more concrete, consequences. Languages is an integral part of the subjectification process and, by labelling eunuchs in terms of attributes that stood in contrast with masculinity, those who have been castrated, including the *hijra*, are left with this discursive identity to draw on. That is, through the process of translation, a subject position emerged, complete with its links to masculinity and sexuality, one with which the *hijra* came to be associated.

This emergent subject position was not merely at the level of ideation, then. Its articulation took several forms. In the next two chapters, I will explore how such a site of subjectification was put into practice. In chapter eight, this dissertation will further examine the way in which the role of the *hijra* was realised: both in terms of legislation and law enforcement. In the next chapter, however, I will investigate the important role of the *hijra* through the Indian censuses.

## Chapter Seven: The *Hijra* in (Con)Census

While chapter six dealt with the ideational roots of the *hijra*, this one tackles the *hijra* in practice. It contributes to the discussion of how the idea of eunuchs was evident as an articulated social group. The body of colonial writings in which eunuchs could be identified as a discrete set of persons, one that this section will examine, is in the censuses. The censuses were complicated undertakings that generated significant amounts of information about a variety of subjects. However, as a project that constructed truth-effects, through both bio-power and disciplinarity, the censuses were invaluable as representations of the *hijra*, especially as governmental interventions. This chapter, though, is a temporal departure. While the next chapter fills in much of what happened in the middle of the nineteenth century, this one skips to the end of this century. Consequently, it is a glimpse at the end of my temporal narrative of the *hijra*. The reason for the non-linear flow is that this narrative of the *hijra*, like other narrative forms, needs a climax. While this chapter represents a temporal end to the narrative of the *hijra*, the climatic end takes place in the following chapter. In a way, this chapter makes the events that precede it more intelligible for my story of the *hijra*. That is, the next chapter -- one that deals with judicial and legislative works -- will explain how we got to the point of this chapter in such a way as to impute my project with the meaning that I desire, thereby providing the necessary climax to my narrative.

As I discussed in chapter four, the censuses were technologies of bio-power which constructed regimes of truth. That is, they provided the conditions of possibility for knowing the world in such a way as to enable colonial governance. One way that this is done is by representing a particular group such as the *hijra* in a certain way, as a function of the categories of the census; this differentiates the population into governable and controlled parts. For example, through occupational and caste taxonomies, the *hijra* have been described as: entertainers, dancers, and players; mendicants and those of a religious order; and non-productive or unemployed. Moreover, through these ways of categorisation, they are connected to: sexualised groups such as pimps; and criminal groups such as vagrants and disreputable -- or even degrading -- 'livers' (i.e., persons associated with specific occupations). All of these labels attempt to understand the *hijra* in a particular way, often in ways that enable them to be governed.

While the theoretical consequences of the censuses were discussed in chapter four, it would be useful to include one other. Besides being 'investigative modalities' that are apparatuses of bio-power and produce truth-effects, through constructing the body politic in terms of particular categories, the censuses posit subject positions. In other words, insofar as the census demands that a particular social grouping is meaningful (i.e., caste), the positionality of that construction is reified. As I will discuss later, the *hijra*, for example, were constructed as a caste through the censuses; the caste character of the subject position of '*hijra*' came to be defined by the censuses. In fact, this aspect of what some came to call their 'social reality' was an invention of the very questions that the censuses asked. In this way, the empirical reality of the censuses created the very conditions that they were designed to measure. In fact, insofar as the censuses were designed to gather information on certain aspects of Indian society that the architects of the censuses thought reflected Indian society, this vision of the social was reproduced. Furthermore, this production of subject positions places persons who come under these categories of personhood in a site to be governed. For instance, the census numbers of the *hijra* were often used to determine the success of the government's attempts to exterminate the class (see the following chapter for a discussion of this), thereby evaluating the colonial regime itself; such an evaluation had very real effects on whether the policies of extermination were continued or not.

In the context of these censuses, several themes that relate to the *hijra* emerge. First, it is in the censuses that the *hijra* become associated with caste. Second, the signifier of '*hijra*' becomes a primary one, subsuming other designations. Third, the *hijra* are increasingly associated with bardic activities. Fourth, the *hijra* are connected to religion in a variety of different ways. Finally, the sexed constituency of the *hijra* is in question. Through an examination of these five themes, I will argue that, in the censuses, the *hijra* became an aggregate.

They became reified into a discrete social entity. Also, despite incredible variation reported within the class, there is an illusion of consensus that is being imposed onto what the characteristics of the *hijra* are; that is, contrary to the data collected through the census, the compliers represent the *hijra* as a unified and coherent category that has certain agreed-upon characteristics. Through these themes, a consensus of the definition of what it means to be *hijra* was constructed. Like the depictions of the *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava*, they were a devalued aggregate who had several characteristics, including impotency, castration, criminality, and non-hegemonic sexualities. Even though they were represented as hated by their own culture, the *hijra* were still constructed as product of depravity, immorality, and despotism; that is, they were depicted as the incarnations of Cryptocrystalline Orientalism. Embodied in their failure of masculinity, insofar as masculinity is tied to issues of governance and exclusion in the British imagination, they symbolised how the colonial peoples needed Imperial governance.

Through these themes, then, familiar patterns emerge in how the *hijra* were translated in the colonial context. First, the *hijra* are represented as being connected to Cryptocrystalline Orientalism; through being depicted as sexual, immoral, and linked to Islam (and, interestingly, to Hinduism in the censuses in such a way as to widen the scope of this Orientalism to include this non-Muslim faith), the *hijra* are depicted as a group that necessitate governance. Second, insofar as they are linked to the ostensibly indigenous institution of caste, the *hijra* represent a site that necessitated governance. Since they were a caste and, as such, fell under the jurisdiction of the indigenous legal structure, the British thought that the control of them was demanded of the British by the local customs. In this way, the *hijra* served as a way to justify the rule of the 'natives' in the context of their ideology of 'Oriental' rule. Third, the *hijra* continued to function as a site in which the two-sex model of the British was sutured with the three-sex model of South Asia in such a way as to privilege the former; that is, the *hijra* served to reduce difference to merely an articulation of immorality. Also, insofar as they are portrayed as non-masculine, this class of person symbolised a deviation from masculinity -- as well as the deviation from norms of proper sexual behaviour, a notion that was connected to departures from masculinity in the British imagination -- that the British understood as requiring control. Finally, the *hijra* were represented as part of a moral aesthetic. With their association of the *hijra* with practices that are deemed immoral and 'abhorrent', such as dancing and practicing a morally-corrupt Hinduism, the British attempted to construct the *hijra* as repugnant, thereby justifying their rule of such a group.

Yet, the censuses are also significant in their failure of consensus. The data collected for the census contradicted some of the ways in which the British administration depicted the *hijra*. It is in these spaces of the breakdown of consensus, where data and the representation conflict, that the preoccupations with which the census compliers constructed knowledge are revealed. Consequently, the censuses are vibrant and important places in which the *hijra* are represented.

## Eunuchs in the Indian Censuses

The Imperial censuses created a great deal of information for the colonial administration in South Asia. In this section, I will provide a descriptive overview of the sorts of sources that I am using in examining the censuses, especially in terms of how they capture -- or fail to capture -- the *hijra*. I will pay particular attention to the ways in which the categories of the censuses highlighted or obfuscated the presence of the *hijra*. In fact, throughout this section, I will argue that the ways in which the *hijra* are represented are partially a product of the ways of understanding the world that are present in the ways in which the censuses were categorised. Furthermore, throughout this discussion, I will highlight certain themes that I will explore in the section following this one. This summary serves two other functions. First, I will demonstrate how the representations of the *hijra* build on pre-existing themes that I have already discussed. For example, the portrayal of the *hijra* in the censuses speaks to Cryptocrystalline Orientalism, the discursive transition from hermaphrodite to eunuch, notions of exclusion and thirdness, and categories that represent deviations from British conceptions of masculinity. Second, I will explore how these constructions of the *hijra* are recent; new to the censuses are depictions of the *hijra* as a caste, as partially and complicatedly made up of women, and as linked with other groups -- usually in such a way as to represent the other groups as subsumed under the larger category of the *hijra* -- who supposedly shared similar characteristics.

The first censuses that took place in India happened in the early nineteenth century. These early censuses were designed to collect data on revenue and population for the East India Company. In a despatch from the Court Directors of the Company in 1807, they voiced this impetus: "We are of the opinion that a statistical survey of the country, under the immediate authority of your Presidency, would be attended with much utility: We therefore recommend proper steps to be taken for carrying the same for execution" (quoted in Ghosh *et al.* 1999). Of course, there were also scientific reasons for such data gathering; however, the use of the results was often to put into place new revenue systems (Ghosh *et al.* 1999). The first census that took place in British India was in 1801, when a resident of Benares, Mr. Deane, ordered Zulficar Ali, a *Kotwal* (or police officer), to conduct a census of the city (Ali 1809). Francis Buchanan carried out one of the first censuses of Bengal in 1807. The first attempt to gather numbers of the population in all of British India was in 1822, with subsequent attempts in 1836-1837, 1851-1852, 1856-1857, and 1861-1862 (Cornish 1874). However, throughout this period, several endeavours were made to establish the populations of specific areas, including Dacca in 1832 (Walters 1832), the North-Western Provinces in 1848 and 1853 (Christian 1854) and then again in 1865 (White 1882), Punjab in 1855 and 1868 (Miller 1870), Ajmere-Merwara in 1865 (Bhagram 1882), and Oudh in 1869 (White 1882). However, the most significant censuses for the purposes of this study were in Benares in 1832 and the Island of Bombay in 1864.

There are two censuses prior to the Imperial ones of 1871/72 that discuss eunuchs in a context that evoke the *hijra*. Both of these representations depict them as castrated males, whose institution is born of Islam; as I have argued previously, this association of castration with Islam is characteristic of

Cryptocrystalline Orientalism. Furthermore, depicting them as eunuchs is intelligible within the context of, as I discussed in the fifth chapter, suturing the colonial two-sex model with the ostensibly indigenous three-sex model; that is, the eunuch was comprehensible within the primacy of the medical framework and the reduction of the third-sex model to one that was characterised by a difference from the two-sex model that was based on immorality. As mentioned in chapter four, Prinsep's census of Benares (1832) was the first one to reference the *hijras*. In his account, *hijras* were Muslim eunuchs who begged for alms at the births of children. However, on February second, 1864, A. H. Leith, a medical doctor, conducted a census on the Island of Bombay, which included an interesting reference. While not reporting on *hijra per se*, he notes a group of eunuchs living in the area:

> It was reported that there were two hundred and sixty mutilated males, of whom two hundred and five were Moosulmans, and fifty-five were Hindoos. It may be that many of these Moosulmans were thus dealt with before being brought to India, but there is no room to doubt that this inhuman mutilation has, in the instance of the Hindoos, taken place where British rule or influence might not be exercised, so as to deter from this crime and the iniquities connected with it. (xxii)

This passage captures the three important factors. First, like the observations of Prinsep, Leith links the institution of eunuchdom with Islam; Hindus were understood as only involved with castration after the Muslims brought such an institutional practice into India. Consequently, he continued the Cryptocrystalline Orientalism. Second, this group of eunuchs were male. That is, they were not hermaphrodites or those of the 'third sex'. Finally, the author states that the eunuchs that were made of Hindus underwent the castration in an area outside of British India, since the British administrators did not support such practices. This points to the success of the imperial endeavour, without such colonial governance could not be justified.

The first Imperial census to cover the majority of British India, conducted in 1871 and 1872, carried forth the above themes. Gillham Hewlett (1873) records that the eunuch population, which he defined as all males, decreased from

Leith's census: from 205 Muslims and 55 Hindus to fourteen Muslims and nine Hindus. The reason for the decrease, Hewlett asserts, is because of "the more efficient police supervision which is now exercised, and which would render the commission of such a crime a matter of far greater difficulty now than it was in 1864" (71). While these numbers may seem somewhat small, it is important to realise that, as Hewlett indicates, eunuchs were policed. Consequently, it would not be surprising if some people decided not to identify as *hijra* during this census.

However, one significant occurrence in Hewlett's accounts of the 1872 census is his inclusion of eunuchs as a type of infirmity. Under disabilities[141], he included: insane, idiot (note that in many of the similarly early censuses, idiocy and insanity were separate, but were treated as the same in the reports because those in charge of the census did not trust the 'ignorant collector' to properly tell the difference), dumb, blind, lame, leper, and eunuch. This parallels the groups that were excluded in Hindu law; those who could not inherit were those who were born lame, insane[142], blind, and afflicted with an incurable disease. One other familiar figure that could not inherit, but had to be maintained, was the *kliba*, as is recounted in the following texts: *Baudhayanasmriti* (2.2.3.38); *Gautamasmriti* (28.43); *Manusmriti* (9.202); *Vasisthasmriti* (17.54; 19.35); *Vishnusmriti* (15.32); and the *Yajnavalkyasmriti* (2.143). In the *Vasisthasmriti* (11.19), the following cannot present funeral offerings: those with leprosy, those born blind, and *kliba*. Through his attempts to link eunuchs with the list of infirmities acknowledged by the various Hindu law-books, I suspect that Hewlett was implicitly trying to link the figure of the *kliba* with the ostensibly real social group of eunuchs. His efforts, though, met with vain; it was decided that eunuchs did not belong to such a category[143]. For instance, even though T.S. Weir (1883), the author of the 1881 Island of Bombay census, acknowledged that eunuchs were considered infirm in the 1872 census, he did not include them in his discussion of disabilities. The reason for this, according to Jervoise Baines (1893), compiler of the General Report of the 1891 census, is that infirmities are to be only those attributes that a person is born with; since eunuchs are made, they are not included in this category. That is, by redefining the category of 'infirm', the representation of the *hijra* changed in such a way as to make this textual relationship between the *kliba* and the *hijra* untenable. In this way, the categories and definitions of those categories used by the census-takers defined who the *hijra* were.

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[141] The inclusion of eunuchs as a type of infirmity was only recorded by Hewlett. W. C. Plowden (1883), who wrote the final report for the census for all of British India, did not include eunuchs in his discussion of the disabled.

[142] In fact, according to the court case, Dwarkanath Bysack and others *versus* Denobundoo Mullick and another on the 27th of July, 1872 (Sutherland 1873), those who are declared to be insane cannot inherit, but must be maintained.

[143] According to the *General Report on the Organisation, Method, Agency, &c., employed for Enumeration and Compilation (Volume One) for the 1871-2 census* (quoted in Hewlett 1873).

In his *Memorandum on the Census of British India of 1871-1872*, Henry Waterfield (1875) also records the existence of eunuchs in British India. In this summary of the 1871 and 1872 census, he states that: "The number of eunuchs and keepers of brothels recorded is 3,581, mostly in Oude [2546], and the remainder in Bengal [371] and the North-West Provinces [664]" (36). In this census, eunuchs are categorised with pimps, which captures the sexualised nature that they were thought to have. This speaks to the association of the eunuchs with the *zenana*, which, as I argued previously, is part of Cryptocrystalline Orientalism. Furthermore, this construction of the *hijra* through this census entry focuses not on their asexuality, a characteristic linked with eunuchs before the semiotic reassignment that I discussed in chapter five, but on their sexuality. In fact, since this sexuality is connected with deviance, it further captures the ways in which the differences of those who represent the so-called indigenous three-sex model are reduced to immoral characteristics. Moreover, in this census entry, the eunuchs were classified under the larger grouping of 'indefinite and non-productive'; that is, they were thought to not contribute to the economic functioning of the state, together with gamblers, professional thieves, 'budmashes' or bad characters, and criminals. This links them to the themes of criminality and exclusion that I discussed in the last chapter.

In 1881, despite that they were not evident as infirm, eunuchs were more apparent. Part of the reason for this is the way in which the variable of occupation was recorded. One example of how systematic such Imperial censuses were can be found in a circular by W. Chichele Plowden to the Deputy Superintendent of Census Operations (appended to White 1882). According to this document, there are three types of occupations that would include eunuchs. The first is class one, order three ('persons engaged in the learned professions or in literature, art, and science'), sub-order seven (actors), group three ('theatre service')[144]. Under this group, eunuchs could be found under the label: 'dancing eunuchs'. Second, class two, order five ('persons engaged in entertaining and performing personal offices for man'), sub-order two ('attendants, domestic servants, &c.'), group seventeen, includes the designation 'eunuch, serving in female apartments. Finally, under class six, order thirteen ('persons of no specified occupation'), sub-order one, group three ('other'), eunuchs could be counted. Thus, eunuchs were occupationally present only as dancers, attendants in the *zenana*, and unspecified. In this way, they were productively defined only in these terms; such a circular, then, functioned to anchor the social meaning of eunuch in terms of entertainment, slavery, and 'other' (i.e., unimportant enough to have its own category). Indeed, as I will explore in detail in the next section, the association of the *hijra* with dancing is particularly significant, especially as it is a characteristic that becomes attached to the *hijra* through the semiotic reassignment that I discussed in chapter five; by connecting the *hijra* to dancing, the British discursively constructed them as non-masculine. In addition, because of the organisation of the ways that occupation was understood, the *hijra* were constructed as non-productive. For instance, Edmund White's (1882) census of North-Western Provinces and Oudh does not refer to the *hijra per se*, but he does discuss eunuchs. Listed under 'miscellaneous non-productive sources of livelihood', White reports that there were 90 eunuchs in the area; because of the organisation of the category of occupation, eunuchs, which could ostensibly include the *hijra*, were considered unproductive. In this way, the representation of the *hijra* is partially a product of the ways in which the categories of the censuses were organised.

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[144] In this year's census, occupation was categorised by five levels of hierarchy: class; order; sub-order; group; and sub-group. The specific occupation, then, would be located within this taxonomy of occupations.

Several patterns emerged in the censuses of 1881. The first was that the *hijra* were constructed as being a caste. In fact, this is one of the first places that the *hijra* became identified as a caste; in fact, as I will argue in the next section, their association with caste is a product of the category of caste in the censuses. In this way, this caste attribute of the *hijra* is a product of the way in which the census was organised. However, the way in which the *hijra* were included as a caste is significant; through the caste label, they were connected to certain groups that were thought to have similar qualities. Under names such as *hijra* (Baines 1882; Drysdale 1883; Ibbetson 1883; Plowden 1883), *hijada* (Bhatavadekar 1883; Kitts 1883), and *pawaya* (Baines 1882; Plowden 1883), they were a "mendicant and vagrant caste" (Bhatavadekar 1883; Kitts 1882), a caste of 'dancers and players' (Baines 1882; Drysdale 1883; Plowden 1883), and a 'miscellaneous caste' (Ibbetson 1883). In addition, in the census for the province of Ajmere-Merwara, the author mentions of an 'impure tribe' called 'Eunuchs'[145] (Bhagram 1882); there is only one of this 'tribe' in the region. The implication of 'tribe' is interesting here, since such a designation implicitly evokes a biological community, in terms of shared ancestry or other modes of racial relations[146]. Of course, given that the *hijra* are considered to be castrated males, the existence of a tribe of *hijra* in this sense is odd; I will speak to the intersections of caste and race a bit later. They were also wide-spread: 29 lived in Gujarat (Ibbetson 1883); eleven in the Central Provinces (Drysdale 1883); 90[147] resided in Bengal (Plowden 1883); four in Ajmere-Merwara (Bhagram 1882); and 141 in Punjab (Ibbetson 1883). In Baroda, an area not in British India, but which also conducted the census for the British Government, there were twelve *hijras*.

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[145] The capitalisation refers to eunuch as a social group, rather than simply a man without a penis.

[146] According to the Oxford English Dictionary, the only other reasonable meaning of this word would refer to a gang of delinquents; however, the reference to impurity would lead me to find this interpretation as inaccurate.

[147] I suspect that this is an error. Not only did the compiler of the Bengal census of 1881, J. A. Bourdillon (1883), not report any statistics on eunuchs, but the number that Plowden provides is the number that Edmund White (1882) gives for the number of eunuchs in the North-Western Provinces and Oudh, which were considered to be part of Bengal in the past.

One significant figure that emerges in this census is the sex of *hijras*. First, the *hijra* could only be counted as males or females; the option of 'third sex' was not provided to census takers. That is, the categorisation of sex did not include deviations from the two-sex model. Accordingly, the *hijra* were represented in only the terms of male or female. Second, while many, if not most, of the censuses counted them as males, Ibbetson (1883) notes that, of the 141 eunuchs in the Punjab area, 99 were men and 42 were females. Yet, in spite of recording that the class of *hijra* was constituted by both men and women, Ibbetson, in his *Panjab Castes* (1916[1883])[148], records that they are eunuchs. This contradiction between the results of the census and its summary as is published in his book (as well as the original Report), which, according to the 'Introductory Note'[149] to the book, was printed for a more popular audience, effectively obfuscated the gender non-exclusivity of the *hijra*; that is, this book served to keep the architecture of Empire from falling into Ruin. Since few had the time or desire to go through all of the data from the censuses, only a minority of readers would come across the figures of the ratio of males and females within the ranks of this class. However, many read Ibbetson's smaller publication. Consequently, through Ibbetson's summary and consequent misrepresentation of the censuses, the *hijra* were depicted to a great many colonial administrators as men. That is, his summation revealed a partiality in the understanding of the *hijra*, one that was not supported by the evidence. This bias, then, was communicated as substantiated by the censuses to the audience for his influential book.

While religion continues to be a significant factor in defining the *hijra*, it was noticeably less important in the 1881 census than in previous censuses. That is, unlike the previous censuses that correlate the *hijra* almost exclusively in terms of Islam, this census sees them as a more religiously-diverse group. I suspect that this is partially due to the organisational schema of the occupations, with the Muslim *khoja* being separated from the other eunuchs along an axis of occupation, rather than one of religion. For example, in Ajmere-Merwara, one 'tribal' eunuch is counted as Hindu, but the other three are not assigned a religion. However, when one correlates these three eunuchs with occupation, they are found to be *khojas*, or Muslim eunuchs who work in the female apartments.

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[148] This book is a reprint of the chapter on "The races, castes, and tribes of the people" in the report on the census of the Punjab (Ibbetson 1883).
[149] This was written in 1916.

In the 1891 census, occupation was redefined in such a way as to make eunuchs less obvious. Whereas the 1881 census was concerned with workers only, the 1891 version was interested in "the supporting power" and thus cast an eye to "each means of livelihood" (Baines 1893: 88). Consequently, instead of categorising work in terms of the specific position, such as 'dancing eunuch', the 1891 census grouped activities in terms of their larger economic function. For example, a dancing eunuch, under the new rules, might be classified under order 20 ('learned and artistic professions'), sub-order 71 ('music, acting and dancing'), group 465 ('actors, singers, and dancers, and their accompanists'), along with many other persons. With such de-emphasis on the social character of occupations and a focus on the productive role, the figure of the eunuch virtually disappeared from occupational statistics. In this way, the categories of the censuses changed how the *hijra* were represented in these official documents.

However, with their near obfuscation from occupational numbers, the position of *hijra* as a caste became more apparent. Again, it can be seen how their characteristics were increasingly constructed through the very categories of the censuses. Yet, in 1891, caste was defined in functional terms, as a group's traditional occupation. Such a definition had the effect of continuing to represent the *hijra* in terms of their activities -- such as dancing, singing, and less reputable actions -- while, at the same time, characterising them as a coherent social group.

In Baroda, Jamshedji Ardeshir Dalal (1894) recorded that the *hijra* were categorised under the caste of 'dancers and singers' as Hindus. This not only captures the continued focus on caste and occupation of the *hijras*, but it demonstrates the way that religion was thought to be linked with them, as well. By premising the census enumeration with the assumption that individuals of a certain caste belong to certain religions, the designers of the census construct caste members as necessarily religious. Furthermore, the *hijada*, as he calls them, were described as 'emasculates', even though, out of the 30 of them, 19 were men and eleven were women. Of the men, two were married, while none of the women were. Of course, this figure indicates that the men were married to women who were not counted as *hijra*, a fact that is somewhat confusing, given that a woman typically takes on the caste of the husband. Also, defining women as belonging to a caste of 'emasculates' is something that the census-takers left woefully unexplained. These oddities in the census numbers point to sites in which the invisible pokes through the fabric of invisibility. That is, that which is invisible in these data haunts the censuses, thereby announcing their presence. It is these invisibles that I will explore in the next section.

Similarly, W. W. Drew (1892), in his census of Bombay and its feudatories, made analogous observations. Not only were the *hijra* categorised under caste of 'dancers and singers', but they included both men and women. According to the entry, there were 47 in the presidency, 34 of whom were male and thirteen of whom were female. However, unlike Dalal's account, there was a mix of religions, with nineteen of the *hijra* being Muslim and the rest being Hindu. Six of the males were married, consisting of two Hindus and four Muslims. Of the females, two Muslims and five Hindus were married.

Unlike Dalal and Drew, B. Robertson (1893) did not include the *hijra* in the caste of 'dancers and singers'. Instead, he labelled them as belonging to the less-prestigious caste of 'miscellaneous and disreputable livers' in the Central Provinces. In these provinces, eight *hijra* lived in the British Division. Of these, only one was Hindu; the other seven were Muslim. In the feudatories, however, all three were Hindu.

Like Robertson, D.C. Baillie (1894), complier for The North-Western Provinces and Oudh, classified the *hijra* as belonging to the caste of 'miscellaneous and disreputable livers'. However, the author does not consider *hijra* to be "properly caste entries" (i. 320). In spite of this, Baillie notes several sub-castes for the *hijra*. While the Hindu *hijras*, of which there were seven (four males and three females), had no sub-castes, the Muslim *hijra* had nine: *Banihashim*; *Gangarami*; *Hijra*; *Khuji*; *Khuwaja sara*; *Khwaja Zad*; *Pathan*; *Sheikh*; and *Tikalba*. These purported sub-castes, of course, represent several problems, the most obvious of which is that the terms often are synonyms for eunuch. The term *Khuwaja sara* (*kwaja-sara*), for instance, is an alternate title for *khoja*. Also, groups such as *Pathan* and *Sheikh* are, in other censuses, classified as races or tribes; consequently, their inclusion as a sub-caste is problematic. Aside from this, Baillie's account concurs with the reports of others on the marital status of the *hijra*; of the seven Hindus, two men were married, while no women were. In total, there were 1125 *hijra* in the region, with seven belonging to Hinduism and 1118 (749 males and 369 females) being identified as Muslim.

Baillie's observations highlight an important facet of census representation of the *hijra*. While a single religion was not linked to the *hijra*, religion as a category was important in understanding the population of South Asia. That is, as a way of understanding the population, religion was thought to provide significant insight. In this way, the census compliers often attempted to explain why the *hijra* were made up of different religions. Within their discussions on this issue, it becomes clear that these religions signify more than just worship; they represent particular relations to indigenous culture and moral activity. I will discuss this further in the next section. Suffice for now to say that one of the ways that the censuses constructed the *hijra* was as religious people.

In his census of the Lower Provinces of Bengal and their Feudatories, C. J. O'Donnell (1893) identifies the *hijra* as Muslim eunuchs. In this province, he records that there were 714 of them, 375 of who were males and 339 of who were females. However, O'Donnell also discusses another group of eunuchs: the *khoja*. He found that there were 158 *khojas*, a number that consisted of 95 males and 63 females. This reference is somewhat curious, since it is not clear how *khojas*, who are usually thought of as servants in the *zenanas*, could count women in their ranks. Unfortunately, like many other writers, O'Donnell did not attempt to explain this curiosity.

One of the most detailed accounts of the *hijra* in the 1891 census was provided by E. D. Maclagan (1892), in his summary of work done in the Punjab and its Feudatories. While most of the census-takers refer to the *hijra* as just *hijra*, not including Baillie's inclusion of the nine sub-castes, Maclagan includes three other groups in the category of *hijra*: *khunsa*, *khusra*, and *mukhannas*. Also, Maclagan breaks with the other reporters on the 1891 census by examining the *hijra* as an occupational class, in the "undefined and disreputable" classification; that is, instead of viewing them as a caste group, he categorised them in terms of their occupation. He found that, compared to the 95 that were found in the British Territories of Punjab in 1881, there were 299 in 1891. In the total of the province, there were 631 of them, 547 of them being men and 84 females. Of these, 102 were Hindu and 529 were Muslim. Included in the classification of the *hijra* are several sub-castes (all Muslim): *Dhol*; *Hajel*; *Handam*; *Hasra*; *Makhans*; *Manhas*; *Moli*; *Moni*; *Pasawri*; *Qureshi*; and *Rai*. In the Native states, though, he reports that there were a total of 121, with 112 males and nine females; of these *hijra*, all were Muslim. Furthermore, Maclagan notes that there is another occupational group, also under the 'undefined and disreputable' classification: eunuchs. There were 662 eunuchs in the British territory. Of these, 439 were male and 223 were female.

Finally, for Rajputana, a princely state in which the British were allowed to conduct the census, H. B. Abbott (1892) also recorded some statistics on the *hijra*. Of the 356 -- all male -- found in the area, 167 were Muslim, 186 were Hindu and Jain, and three were Animists. The majority were found in Hindu castes, including: *Rajput*; *Brahmin*; *Kumhar*; *Mahajan* (which was also a Jain caste); *Jat*; *Mali*; *Kayasth*; *Mina*; *Sadh*; *Chakar*; *Bambhi*; *Jogi*; *Daroga*; *Bishnoi*; *Darzi*; *Gatrara*; *Khati*; *Khatic*; *Gujar*; *Khati*; *Koli*; *Bhand*; *Kachi*; *Dakot*; *Swami*; *Bagri*; *Goosain*; *Chipa*; *Nai*; *Sunar*; *Khanzad*; *Teli*; and *Tamboli*. The Animist caste was the *Bhils*, and the Muslim ones were: *Sheikh*; *Sayad*; *Pathan*; *Musalman*; and *Pinjara*.

In the 1901 Imperial census, occupation was altered further. The main categories that were used were: government; pasture and agriculture; personal services; the preparation and supply of material substances; commerce and the transport of persons, goods, and messages, and the storage of goods; professions, learned, artistic, and minor; and indefinite occupations, and means of subsistence independent of occupation. This restructuring of the category further obfuscated eunuchs. In fact, whereas caste was linked to occupation in the 1891 census, it was, in this new series of censuses, associated with racial characteristics. In words of H. H. Risley (1903), the Superintendent of the 1901 census for all of India:

> An attempt is made in the following pages to show that the race sentiment ... rests upon a foundation of fact which scientific methods confirm; that it supplied the motive principle of caste; that it continues, in the form of fiction or tradition, to shape the most modern developments of the system; and, finally, that its influence has tended to preserve in comparative purity the types which it favours. (i. 489)

Consequently, in order to determine the ethnological characteristics of the various castes, he states that two elements were important: indefinite physical characteristics, such as colour of skin, hair, and eyes; and definite physical characteristics, or anthropometric characteristics. However, in spite of this different way of conceptualising caste, the *hijra* were still linked to this institution. This is somewhat significant, because, unlike previous associations of race and slavery through the figure of the eunuch, this connection of race and caste does something different. As I will explore in the next section, the linking of race and caste represents a way of controlling and ranking the population through the ostensibly indigenous institution of caste.

Caste was, in fact, a reoccurring theme in the representation of the *hijra* in this census. Despite his definition of caste, Risley himself linked the *hijra* with the tradition -- or what he thought was a tradition -- of caste. In total, he noted that there were 1378 persons who belonged to the caste of *hijras*. Of these, there were 140 *hijadas* or *fathadas* who were a sub-caste of *hijras*, mostly in Bombay, Baroda, and Central India. Eunuchs were not mentioned in his discussion of occupations. Dalal's (1902) report of the census in Baroda continued to discuss the *hijra* in this princely state. The caste of these *hijadas*, also known as *fatadas* and *pavaiyas*, was unclassifiable and their occupation was that of 'miscellaneous and disreputable livers and dancers and singers'. However, these eunuchs were all Hindu males. Robert Russell (1902), in his account of the Central Provinces, also found that the three *hijra* in the area were of an unclassifiable caste. Furthermore, Charles Luard (1902), the compiler of the census in Central India, also known as the United Provinces of Agra and Oudh, categorised the ten *hijra* in the region -- one Hindu and nine Muslim, all male -- as an unclassifiable caste. However, he notes that the reason that the castes of *hijra*, *hijada*, and *hijda* were labelled such was that they were not castes. However, because of the constraints of the way in which the census was organised, this was the only way to represent them. Again, it can be seen how the categories of the census served to construct the *hijra* as a particular type of person, one defined, in this case, in terms of caste.

In Bengal, one of the former presidencies of India, Edward Gait (1902) reported that there were 246 *hijra*, all of whom were Muslim. Even though they were Muslim, he counted them amongst the second lowest grouping of castes. Identifying them as eunuchs, he notes that there are 165 males and 81 females in their ranks. In order to explain this oddity, Gait asserts that they are also a synonym for *pawaria*, who were a group of musicians and singers who perform outside of a house when a male child is born to its occupants. Also, "[i]t is sometimes said that the women [of this caste] sing and dance in male costume, but so far as my information goes, it is the men who occasionally perform in female attire, and not the women in the garb of men" (i. 444). Thus, one might count women in the classification of *hijra*, but, in doing so, she/he is misrepresenting the relationship between the two groups. That is, those *hijras* who are *pawarias* are still eunuchs; the women, then, are *pawarias* insofar as they perform at the birth of male children, but not *hijras* proper. Gait's assertion is one of the few explanations for the inclusion of women in the class of *hijras*, an order that is ostensibly made up of eunuchs.

In another former presidency, Bombay, the census report by Reginald Enthoven (1902) further linked the *hijra* with different groups. The *hijda* are a caste within the larger category of "Religious Orders or Brotherhoods". However, they are also linked to the *fathada*, a caste that belongs to the classification of "Aborigines, Wild Tribe, and Wandering Caste", the second lowest in the taxonomy of castes. This points to two different groupings under the heading of *hijra*; one, under the designation of *hijra*, presumably is the religious devotee and the other, under the name of *fathada*, is a wandering caste[150]. He describes that there were 39 Hindu *hijras*, all male, and 34 Muslim *hijras*, 26 of who were male and eight who were female.

Horace Rose (1902), in his report on the Punjab, notes that there were 157 *hijras* in the province, 131 in the British Territory and 26 in the Native States. This is a decrease from the 1891 census, but an increase from the 1881 count. Of the 157, 133 were male and 24 were female. However, what makes Rose's account different from the documents of other writers is that he reports that, in the British Territories, Sikhs made up part of the ranks of the *hijra*; the religious constitution of this caste was: 20 male Hindus; one male and two female Sikhs; and 86 male and 22 female Muslims. In the so-called Native States, all 26 persons were Muslim males.

In the princely state of Rajputana, A. D. Bannerman (1902) provides some ambiguous data. The number of *hijra* varied from 105 to 168, depending on in which table they are counted. In one figure, though, he states that there were 90 Hindu and 55 Muslim *hijras*, all of which were men. The caste grouping in which they are positioned is ranked as the second lowest, with only the untouchables below them.

The final relevant census of 1901 that I want to discuss is R. Burn's (1902) report of the North-Western Provinces and Oudh. He ranks the *hijra* as one of the lowest castes in the region, amongst the category of 'with occupations considered more or less degrading'. In this caste, there are 35 listed, 30 of which are Hindus and five of which are Muslim. Of this number, 30 are men and five are women. However, under the designation of 'converts from Hinduism', a sub-section of 'Masalmans', he lists 757 *hijra*. Of these, 540 are males and 217 are females.

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[150] This conclusion is based on the improbability that such a group could be considered either an aborigine or a wild tribe.

## Bio-Political Themes

While these censuses were meant to capture information on the population of South Asia, they were also significant as tools of bio-power; through framing the ways in which the population is represented, these colonial projects constructed regimes of truth. This is especially true of the *hijra*. In the previous sections, I explored how the censuses created categories that served to construct the *hijra* in particular ways. Through the categories that the census used, the *hijra* were identified with caste, certain occupations, maleness[151] (as opposed to thirdness), religion, and other groups that were subsumed under the category of *hijra*; furthermore, they were not characterised as infirm. Thus, the censuses defined what and who could be thought of as members the *hijra* class. In such an attempt to anchor the meaning of the *hijra*, several themes emerge, all of which I will expand on in the following sections.

First, partially a result of the way in which the censuses were organised, the *hijra* became depicted as a caste (complete with a variety of sub-castes, according to some census-takers). This association was significant because it located the *hijra* in the social framework of the Indian cultural milieu with which the British officials were familiar. That is, insofar as the caste system represented a classificatory schema within which all Indian social groups could be located and ranked (and, in the work of some writers, correspondingly associated with biological/racial types), the inclusion of the *hijra* in this system allowed their supposed degradation and disreputable nature to be evident. In fact, through the seemingly-objective character of the censuses, such disdained qualities were situated, not in the attitudes and beliefs of the colonial administrators, but in the minds of the 'native' population. Consequently, by situating the *hijra* in the framework of caste, the British were able to justify their rule as one based on 'Oriental' rule, thereby justifying in such a way as to produce the discursive architecture of Empire.

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[151] Even though they found females amongst the ranks of the *hijra*, the census compilers still defined them largely as eunuchs.

The second theme of consequence is the creation of the signifier of '*hijra*' as a key one. Not only was this group constructed as a particular type of eunuch, one that was different from nonspecific eunuchs, but other classes of persons were subsumed under its rubric. Not only did this representation continue the project of defining the *hijra* as a distinct social group, but it included different social groups -- with their perceived attributes -- into the ranks of the *hijra*. Consequently, the characteristics shared amongst the different groups were discursively combined, further establishing the *hijra* as a certain type of person. Through this signifier of '*hijra*', the censuses constructed a single category that could be 'known' and thereby controlled. Furthermore, by associating the various classes under one, the characteristics of these other groups are also subsumed under the category of *hijra*, discursively linking the former with these traits.

Third, the *hijra* were depicted as a group of bards: dancers, performers, actors, and musicians. Such a representation can only be understood within the context of the perceived devaluation of these occupational and caste activities; by portraying the *hijra* as bards, the British writers implicitly link the *hijra* with undesirable persons. Furthermore, the British understood the profession of dancing as being non-masculine in the South Asian context; consequently, through this association with dancing, the censuses linked the *hijra* with a lack of masculinity. The lack of this trait has significant ramifications for men in the colonial contexts, one of the most notable being that it is often used as a justification for exclusion and governance. In addition, by connecting the *hijra* to bardic activities, these accounts link them to stories of the *kliba*, who, in various texts, are known for dancing. This association further links the *hijra* to the exclusion that they associated with the *kliba*.

The relationship between religion and the *hijra* is the fourth theme, one that invokes the colonial understanding of what it means to be Hindu as well as Muslim in particular ways. On one hand, the *hijra* represent a site in which the colonial construction of Hinduism becomes included in the Cryptocrystalline Orientalist discourse. That is, the figure of the *hijra* becomes a point in which the idea of Hinduism as a national religion was framed within the context of depravity and immorality; this articulation was one that enabled the colonial project of governance. The colonial writers represented the *hijra* in relation to Hinduism at a discursive site that associated the two with the qualities of castration, impotence, and criminality. In other words, the *hijra* was a point that produced a particular vision of what Hinduism was, one that, through the Cryptocrystalline Oriental discourse, constructed the 'Oriental' population as necessitating external governance. On the other hand, through Islam, the *hijra* are further linked to various Cryptocrystalline Orientalist depictions that the British thought necessitated colonial governance, not to mention issues of masculinity. Through connecting the *hijra* to both of these religions in the ways in which the censuses do, then, the figure of the *hijra* functions to portray the religions of the colonised as immoral, thereby tacitly evoking a justification for the Imperial project along the lines that it is the moral duty of the British to govern the people properly.

Finally, one last theme present is that of the embodiment of the *hijra*; the British were very concerned with whether they were males or females[152]? While they made several efforts to explain how the ranks of eunuchs could include women, the British colonialists continued their insistence that *hijra* were males. This investment in the male-ness of the *hijra* reveals a preoccupation that links to notions of masculinity, evident in discussion of governability of a people; that is, by defining them as effeminate males, the British writers construct them as bodies to be governed.

### **Hijra *as a Caste Group***

One of the main themes evident in the censuses was the association of the *hijra* and caste. While this is a common motif in modern writings, it did not emerge in the colonial writings until the 1880s. Before that, the *hijra* were called a group or a class, but rarely a caste. The only pre-1881 reference that I have found to the *hijra* as being a caste is in a letter written in 1858 (*Reports of Cases Determined in the Court of Nizamut Adawlut [Bengal], for 1858* 1859); however, this document does not explicitly call the *hijra* a caste, but debates the definition of caste issues in the context of the perception of a rising problem with Eunuchs. Other than the censuses, there have been several books written, which refer to the *hijra* as a caste (Bhimbhai 1901; Crooke 1999[1899]; Enthoven 1971[1922]; Ibbetson 1976[1883]; Rose 1980[1919]; Russell 1969[1916]).

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[152] Note that they do not allow for a third possibility, despite, as I discussed in the previous chapter, there was some definitions of certain types of people as 'third'.

The characterisation of the *hijra* as members of a caste was strictly a product of the way in which the censuses were structured. For every person, the census enumerators had to assignment that her/him a caste. As is clear from the difficulties present in assigning a caste designation to the *hijra*, something that I will discuss in more detail later, the *hijra* did not fit into the definitions of caste -- and many of the compilers knew it. However, as caste became further institutionalised over time in the censuses, several consequences followed. First, the *hijra* became associated with a single caste, thereby reifying them into a single category. That is, the *hijra* emerged as a single identifiable group, partially because of the census classification. Second, the logic of connecting individuals with caste became more predominant, to the point that many census compilers ceased seeing a problem in defining a group such as the *hijra* as a caste. That is, the framework of intelligibility that was constructed through the logic of connecting each person with a caste was such that caste seemed inevitably associated with all South Asian groups, including the *hijra*. Third, within this framework of intelligibility, the different meanings of caste became associated with the *hijra*. Perhaps most significantly, insofar as caste represented a structure of an ostensibly indigenous hierarchy, the caste system was understood in the British imaginary as a social organisation in which the 'natives' ranked their population. Thus, if the British enforced such a system, in their minds, they were governing within the scope of their ideology of 'Oriental' rule. In other words, through supporting the caste system, the British were administering in a just way that produced a particular discursive architecture of Empire.

Caste, however, was not a notion that was understood the same by all people in all times; caste was conceptualised a certain way in each of the censuses.

In the 1871 census, caste presented a problem; in the words of Waterfield, the author of the *Memorandum on the Census of British India 1871-72* (1875):

> Great pains have been taken by the writers of the several reports in the classification of the population according to caste. The result, however, is not satisfactory, owing partly to the intrinsic difficulties of the subject, and partly to the absence of a uniform plan of classification, each writer adopting that which seemed to him best suited for the purpose. (20)

However, in his analysis, Waterfield felt it necessary to break the many reports of caste into the four *varnas*[153], mostly for the purpose of supplying an organisational rubric.

In the 1881 census, caste was defined in terms of hierarchy. In the words of W. C. Plowden (1883), the superintendent for the 1881 census of all of British India,

> It was originally intended that the castes should be classified by their social position, but great difficulty was experienced in carrying this out. Petitions were sent in to my office and to the offices of the Deputy Superintendents of Census in the Provinces complaining of the position assigned to castes to which the petitioners belonged; and the whole subject was shrouded in so much uncertainty and obscurity that the original arrangement was dropped. (277)

No alternate theorisation of caste was suggested, leaving it in the hands of the enumerator to decide whether the named castes "were merely synonyms in their Province, and these might be grouped together under one common title" (277). Also, as the explicit point of the inclusion of caste in this census was to track the 'major' castes, the focus was not the specifics of the 'minor' castes. Given this confusion, it is no surprise that the provincial census report of the princely state of Rajputana (1882) suggests that all that is necessary is the caste; occupation and sub-caste are simply repetitive. According to one official document[154], caste is deemed a confusing variable, one with no real analytic value. However, the author of the text argues that it should be maintained, since it is useful, "[c]onsidering the importance of the prosecution of enquiries into the prevalence of infanticide" (Drysdale 1883: 182).

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[153] *Varna* can roughly be translated as 'colour', 'rank', or 'order' and is used to indicate the four major categories that most British writers associated with the word 'caste': the *brahmin*, the *kshatriya*, the *vaishya*, and the *shudra*.

[154] "Suggestions for the next Census of India," appended to Despatch from Her Majesty's Secretary of State for India (19th April 1877), which can be found in Drysdale (1883).

In 1891, Jervoise Baines (1893), the Commissioner for the census, added to Plowden's preoccupation with social ranking the dimension of occupation: "instead of following closely the order and detail of the Occupation table, an attempt has been made to arrange, the groups more or less in accordance with the position generally assigned to each in the social scale" (187). Some reporters, though, had difficulty with this focus on traditional occupation because, as Y. Aiya (1893) asserted, at the time of the census, there was little connection between caste and the traditional occupation.

Finally, Herbert Risley (1903), who was in charge of the 1901 census, defined caste as:

> a collection of families or groups of families bearing a common last name which usually denotes or is associated with a specific occupation; claiming common decent from a mythical ancestor, human or divine, professing to follow the same professional calling and regarded by those who are competent to give an opinion as forming a single homogenous community. (517)

While this definition is anchored in his larger assertions of the institution as being one of race, he still includes elements of occupation, hereditary membership, and social status. With Risley's rise as chief of the Imperial census in India, the notion of caste as being linked to race gained ascendancy. What is relevant for me in this conception of caste -- with its links to anthropometric measures, evolutionary anthropology, and phrenology -- is that the hierarchy of the 1881 census and the ranking of social status of the 1891 census were combined with the racial typology of the 1901 census. Race[155], in other words, became another way to rank and control the indigenous population through the rubric of caste. However, like previous censuses, the provincial superintendents of the censuses had difficulty with the notion of caste. Reginald Enthoven (1902), for example, notes that the categorisation of caste is full of difficulties and uncertainty, more than any other subject to do with the census. However, he agrees that caste cannot be ignored, since such a thing would be to "omit from consideration one of the most interesting aspects of Indian society as it presents itself through the medium of a Census enumeration" (175).

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[155] This can be seen in the way in which the *hijra* were described as a tribe, a category that evokes race, in the censuses, as a way to rank them as lowly.

Given these difficulties, it is no surprise that some of the census-takers had difficulties when it came to recording the caste of the *hijras*. O'Connell (1893), for instance, counted the *hijra* under that category of occupation, rather than that of caste. Baillie (1894), on the other hand, wrote that he does not consider the *hijra* to be "properly caste entries" (320). This parallels Luard's (1902) comments that the *hijra* are not a caste at all. Given this, why were the *hijra* represented as a caste? The way that the various censuses were designed predicated a particular conception of Indian society, a vision that could not but be replicated by the executing of the census. Given the categories that were provided by the various censuses -- sex and age; religion; occupation; infirmities; education; nationality and caste; or, alternatively, caste, race, and tribe -- and that each person counted had to provide an answer for all of the questions, there were limited options for persons to pick from. For example, since each individual had to indicate to which caste they belonged, the necessity of having a caste as part of the colonial framework of intelligibility emerged with the necessity of answering the question. The process of conducting the census created an ostensibly empirical reality that proved the existence of those aspects that the census set out to measure. This, of course, explains why the *hijra* came to be associated with caste only with the beginning of the imperial censuses.

Furthermore, in the 1881 census, the *hijra* were counted as several castes. In the Central Provinces they were counted as 'singers and dancers at births and marriage feasts; beggars' (Drysdale 1883). In Bombay, they were thought of as 'dancers and players' (Baines 1882). The same variety of castes existed in other provinces: in Berar, they were thought of as mendicants and vagrants (Kitts 1882); in Baroda, they were beggars and religious devotees (Bhatavadekar 1883); and in Punjab, they were included under miscellaneous castes (Ibbetson 1883). Yet, in Eustace Kitt's *A Compendium of the Castes and Tribes Found in India*

(2002[1885]), a popular book that summarises the various castes from the 1880 census, the *hijra* are listed as having a hereditary occupation of 'dancers and singers' (50). In other words, the *hijra* were not categorised under 'religious mendicants and devotees', 'vagrants', and unclassified, in spite of the fact that Kitts had, in his capacity as a provincial administrator of the census of Berar, designated them as both religious mendicants and vagrants. Reminiscent of Ibbetson's misrepresentation of the sex of the *hijra* in his popular book, Kitt also misrepresents the data in his small and more-easily read book, thereby representing the *hijra* in a particular way: that of entertainers, which was considered, by the colonialists at least, to be a low-status occupation in South Asia.

Kitt's attempt to anchor the meaning of the *hijra* is of interest to me, because it reveals two things. First, the meaning of the *hijra* in 1881 was ambiguous enough to allow this sort of endeavour. Second, this exercise in labelling is more than just determining which caste occupation to place the *hijra*; it is an attempt to privilege a conception of whom the *hijra* are. They are not vagrants, beggars, or religious mendicants; they are singers and dancers. This occupation allows other characteristics associated with the *hijra* to exist. Since religious devotees could not engage in the sodomy and prostitution in which the *hijra* were supposed to participate, singers and dancers was a good occupational category. Since the *hijra* attended weddings and births to dance and sing for their money, they could not be classified as beggars. Finally, the *hijra* did not fit the category of vagrant because they worked in set regions. In this way, the meaning of the *hijra*, through the censuses, was controlled in order to provide a caste that was intelligible.

The defining of the *hijra* as a caste, then, functioned to construct the *hijra* as a distinct social class, even if it were an unintended product of way in which the census was organised. Caste served to situate the *hijra* in a South Asian social context, one in which the poor ranking of this group was thought to be, not of a British invention, but an indigenous tradition. Furthermore, the language of caste allowed the colonial recorders of the censuses to discuss the group of people whom they called the *hijra* as an aggregate, with particular qualities. Thus, through this taxonomy of caste, the *hijra* were represented as a definite collectivity whose nature could be established and anchored in such a way as to enable governance.

### *Primacy of the* **Hijra** *as Signifier*

Throughout these censuses, eunuchs moved from being represented as a loose aggregate of men without penes to being portrayed as a class with traits, often unrelated to castration. However, in the reification of eunuchs, one type became increasingly visible: those who were called the *hijra*. In this section, I will explore the differentiation between the *hijra* and eunuchs, as well as the subsumption of various classes of persons -- including the *fatada*, *pavaiya, khusra*, and the *muhkhanna* -- into their ranks, with a focus on how such an inclusion could be understood.

The visibility of this class of persons understood as the *hijra* is evident in the move from a class of people simply referred to as 'eunuchs' to a group who were called by this designation. In the pre-1881 censuses, the *hijras* were depicted as Muslim male eunuchs. Some thought that they were to be counted as an infirmity, which ties directly into the textual descriptions of the *kliba*. The 1881 censuses saw them being defined occupationally. However, they were still conceived of as eunuchs. This changed in the 1891 censuses. While there was still a focus on occupation, in this year, such a focus was evident in the caste of the persons. With this move to the caste-basis for the *hijra*, there was an accordingly greater attention to detail in describing the *hijra* in terms of specifics qualities; this is apparent in the minutiae of castes and sub-castes. Baillie (1894), for instance, divided the *hijra* into nine sub-castes, while Maclagan (1892) found the caste of the *hijra* to be constituted by eleven such sub-castes; even the *hijra* in different religions were attributed different designations. The effect of this was to make the category of the *hijra* more distinct by adding detail. By flushing out the category of the *hijra* into specific castes -- which, in the British imagination, was the archetypical representation of Indian social structure -- these censuses reified the *hijra* into a discrete social entity. This is particularly evident in the separation of the *hijra* from eunuchs; in the 1891 censuses, as is evident in Maclagan's (1892) accounts of Punjab and its feudatories, the *hijra* were conceptualised as distinctive from the category of eunuch. This allowed the group to be analytically separate from the eunuchs, and, therefore, a discrete social group.

Furthermore, the *hijra* became a category under which many diverse castes were subsumed. Just like the censuses indicate a divergence between eunuchs and the emerging caste, this data-gathering technology also demonstrated a connection between the *hijra* and several different groups. The first of these groups is the *fatada*. Alternatively transliterated as *fathada*, *phathada*, and *fatdas*, this group is evident in non-census writings. For example, Bhimbai (1901), in an article in the *Gazetteer of the Bombay Presidency* (1901), states that *fatdas* is a synonym for *hijda* and *pavaya*. He refers to this class of people under the synonym of *pavaya* as a caste who worships the Goddess Bahuchara and begs at births and local businesses. He asserts that impotence is necessary to belong to this caste and they must undergo castration within seven years, or risk displeasing their Goddess. Interestingly, he states that the *pavayas* are dark, well-built, and tall, with feminine features; such a comment can be interpreted as a racial characteristic[156], rather than one derived from castration. That is, he seems to refer to the group in terms of racial attributes (skin colour and height), instead of ones that could be the result of castration. This description of this class in racial terms is a bit puzzling, but may be a reference to the racial component of caste that I discussed earlier; that is, this odd comment might be interpreted to refer to the racial make-up of those who join the ranks of the *pavaya*, despite the fact that, according to the author, such recruits come from both Hindu and Muslim backgrounds. Enthoven (1997[1922]) agrees with Bhimbai[157], only deleting the presumably racial attributes and adding that the *fatada*, through a discussion of the *pavaya*, also includes females in their ranks, despite the fact that he also emphasises the role of impotence and castration in their social requirements.

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[156] Connecting caste to race is not unique to this author, but can be seen as a common tendency in many of the colonial writings of the nineteenth century.

[157] Enthoven takes portions of Bhimbai's text directly out of the original, sometimes not changing a word, while, at other times, adding only a few words; however, he does not credit Bhimbai.

What does it mean to link the *hijra* with the *fatada*? In order to find out, it would be useful to examine the context of the association in the various censuses. For instance, Bhatavadekar (1883) and Dalal (1902), both provincial superintendents for the princely state of Baroda, link the two through a common factor: their shared status as castrated. However, Enthoven (1902) asserts that the *fatada* are quite different. First of all, he refers to three different groups that are most likely the same: *fatda*, *fathada*, and *phathada*. The first designation is somewhat confusing; instead of being a caste of 'religious orders or brotherhoods' like the *hijra*, they are a caste of 'aborigines, wild tribe, and wandering caste', or class IV (the only one below is 'impure castes'). However, the last two are used interchangeably with *hijada* and *hijra*, except that *fathada* is a Hindu caste, while *phatada* is a Muslim one; however, even this differentiation is not consistent in Enthoven's use. Likewise, at one point, he associates *hijada* with a Muslim class, and *hijda* with a Hindu one, but is inconsistent in this usage. Finally, Risley (1903) notes that *fathada*, along side of *hijada*, is a subset of *hijra* in the areas of Bombay, Baroda, and Central India.

The second group that is connected with the *hijra* is the *pavaiya*, which is spelled in various ways, including *pavaya*, *pavya*, *pawyu*, *pawariya*, and *parwaniya*. The first non-census use of this term in a way that made it a synonym for the *hijra* was in the unpublished work of Alexander Burnes (1829), which was originally submitted, but rejected, for publication by the Royal Asiatic Society. He describes the *pawyu* as cross-dressing Muslim eunuch sodomites who belonged to a religious order. Since the larger Indian population venerated these people as holy persons, Burnes called into question the morality of Indian culture. Following in his steps, Alexander Forbes, writing originally in 1856 (1924), implicitly agreed with Burnes that this group of *Paweeas* were worshipers of the Goddess Boucherajee [Bahuchara]. In fact, he notes that this group of eunuchs: "prostitute themselves to unnatural practices. They wear the dress of females, with the male turban" (ii. 99). Similarly, Enthoven (2000[1914]) links this class with religion, arguing that it is they who worshiped Bechra Mata, another name for Bahuchara. In fact, Bhimbai (1901) and Enthoven (1997[1922]) emphasise this characteristic when they link the *fatada*, *hijra*, and the *pavdiya*. Elliot (1883) also links this class of persons to the worship of this Goddess, but defines them as both eunuchs and those who are 'naturally impotent'.

In order to understand the meanings associated with this caste, it would be useful to briefly discuss how it was represented outside of its association with *hijra*, before I examine its portrayal within such a connection. Matthew Sherring, in his *Hindu Tribes and Castes* (1974[1872]), listed this group under the caste label of 'castes of personal attendants and servants', and asserts that they sing at weddings and births. In fact, in the censuses, depicting this class as singers and dancers is quite common (Baines 1893; Beverley 1872; Drew 1892; O'Donnell 1893). However, throughout these census reports, the caste of *pavayas* are listed as having similar numbers of males to females[158]; in other words, unlike *hijra*, this group is not necessarily made up of eunuchs. Edward Gait (1902), who had argued that women were included in the ranks of the *hijra* because of confusion between the women of the *pavaiya* and the *hijra*, further argues that the men from this caste dress as women when they dance and sing.

In what can be considered representatives of the group, although designated by an alternate spelling, the *bhawayya*, *bhawaia*, *bhavaia*, *bhavaiya*, and *bhawaiya* share many of these attributes in colonial writings, although they are not explicitly stated to be synonymous with the *hijra*. Several non-census texts record the existence of this group. Fazalullah Lutfullah Faridi, in an entry[159] of the *Gazetteer of the Bombay Presidency* (1899) notes that the *bhawayyas* are Hindu strolling players -- in opposition to the Muslim *hijra* -- who claim money at the births of male children. The character of this group is elaborated on in census reports. Gajanan Bhatavadekar (1883) refers to a group called the *bhavaiyas*, who are performers and Saivites. Also, T. Drysdale (1883) discusses this group, but as a caste of "[t]ravelling beggars and dancers; term derived from 'bhawar,' a spinning motion" (i. 18). Jervoise Baines' general report for the 1891 census states that the *bhawaia* are a caste of actors and mimes in Central India. Finally, Jamshedji Dalal (1891) agrees with this caste label, adding that they are a Hindu group in Baroda.

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[158] This excludes the Bombay census reported by Enthoven (1902), in which he records that there were 65 *pavaya*, all males. While he does not link this to either the categories of *hijra* or eunuchs, he does include them in the same caste category as that of the *hijra*: 'religious orders or brotherhoods'.

[159] Reginald Enthoven (1997[1922]) takes Faridi's observations as his own without providing credit.

In the contexts of linking *hijra* with the *pavayas*, what did the censuses report about the latter? In the 1881 censuses, both Baines (1883) and Plowden (1883) note the relationship in the context of being the same Hindu caste: dancers and players. Bhatavadekar (1883), however, associates the two groups through designating them both as types of eunuchs. In the 1901 census, Dalal records that this class of person is a group of performing eunuchs. Consequently, from the above, the *pavaya* can be thought to represent a category of dancing and singing musicians, who are sometimes eunuchs and sometimes part of a religious order. They are most often represented as being Hindu.

The next group that are written to be a synonym for *hijra* is the *khusra*. Spelled as *khusre*, *khunsa*, *khasua*, and *kunjras*, this group is also discussed by texts other than the censuses. Richard Temple, in his *The Legends of the Panjab* (1885), translates a text of the *Puran Bhagat*[160], which is sung by Jatts from the Patiala State. In his rendition, he understands the term *khusre* to refer to a eunuch, about which he states: "It is customary for the class of eunuch mendicants to sing songs, &c., at births for fees" (ii. 396). Rose (1980[1919]) links the *hijra* with the *khunsa* and the *khusra* through their shared eunuchdom; formerly *khojas*, this caste of Muslims sing and dance at weddings. Also in Rose, *kunjras* are the 'friends' of *hijras* and are known as 'vegetable-men'; the inference is that these people are the sexual partners of the *hijra*. In *The Tribes and Castes of the Central Provinces of India* (1969[1916]), R. V. Russell, former census superintendent for the 1901 census in the Central Provinces, wrote an article that linked the *hijra* and the *khasua*. The former was a synonym for the latter, which was a sub-caste of *Gondhali*[161].

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[160] The translator thinks that this Punjabi song was originally written in 700 C.E.

In the censuses themselves, the *khusra* were only mentioned once in relation to the *hijra*. Maclagan (1892) notes[162] that the *hijra* are eunuchs, which include within their ranks groups such as the *khunsa* and the *khusra*. The details of their characteristics are the same as discussed above by Rose (1980[1919]). While the exact meaning of the term is difficult to determine, especially as it was understood by these colonial writers, A. V. Ross (1969) writes that *khunsa* refers to a bisexual person.

The final group that I want to discuss is the *mukhannas*. While this was also only associated with the *hijra* in Maclagan's (1892) census (and therefore in Rose's (1980[1919]) discussion), it was referred to in two other texts. In William Crooke's *The Tribes and Castes of North-Western Provinces and Oudh* (1999[1896]), he connected the *hijra* to the *mukhannas* as a synonym for the begging and sodomitical caste of Muslims. Also, in the much earlier *The Anti-Jargonist* (1800), written by John Gilchrist, a hermaphrodite was defined as "hijra, mookhunnus [*mukhannas*], napoonsuk [*napumsaka*]" (36). Of course, this term is of special significance because, as discussed earlier, it is a term associated with Islam and sodomy (Edwardes 1960).

The connection between the various caste designations and the *hijra*, then, does two tasks. First, it groups various classes of eunuchs together, allowing the various characteristics observed in one group to be attributed to the others. For example, by associating *fatada* with the *hijra*, the occupation of begging and prostitution becomes linked with more than one group of eunuchs, thereby constructing the social category as having the same characteristics. In this way, as the censuses delink the *hijra* from the larger category of eunuch, the powerful role of eunuch as a thematic site in maintained; the semiotic value of the category of eunuch as joining the visible figure of the eunuch with the invisible attributes of sexual metamorphosis, transvestism, and sodomy is continued.

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[161] This is possibly a reference to a devotee of the Goddess Bhavani.

[162] The similarity between Maclagan's language and Rose's (1980[1919]) would suggest that the former was the source for the latter's comments.

Second, the various terms were used to make sense of what the British felt were inconsistencies in the censuses. The division in religion, for example, was explained by connecting certain castes to specific religions, thereby maintaining the illusion that castes and religious groups were distinct categories that did not overlap. In other words, by connecting the *hijra* with these other groups, the capacity for the censuses to control knowledge in a consistent and rational way was maintained; it enabled the censuses as a technology of bio-power.

Consequently, through the differentiation between them and nonspecific eunuchs and the subsumption of other groups in their ranks, the *hijra* were represented as a distinct social group. Through the inclusion of various groups, the characteristics of the *hijra* were implicitly anchored. Specifically, through the connection with these various groups, the following attributes were established: through the *fatada*, impotency and castration; through the *pavaiya*, religiosity and the occupation of performers; through the *khusra*, the occupation of performers, as well as castration, impotence, and what was thought of as sexual deviation; and, finally, through the *mukhanna*, the propensity to engage in sodomy.

### ***Bardic Character***

Another dimension of the representation of the *hijra* that emerges in these censuses is that of the bardic role. The *hijra* are often depicted as having castes and occupations of singers, dancers, musicians, and actors. For example, in the *Gazetteer of the Bombay Presidency*, Volume XVI (1883), which focuses on the area of Nasik, the author includes an interesting section on 'Bards and Actors'. This text categorises the *hijra* as feminine-attired Muslim eunuchs who, although their ranks have greatly decreased in the year in which the book was written, collect money from people in the regions by result of their heritable right to perform for money in the area. The privileging of this representation can be seen in the way which Kitt's (2002[1885]) book anchored the meaning of their hereditary occupation to refer to 'singers and dancers', to the exclusion of other professions.

The significance of the association of the *hijra* with bard is two-fold. First, performing was considered something with which lower caste and undesirable persons would be involved. For example, in the discussion of 'Bards and Actors' in the *Gazetteer of the Bombay Presidency* (1883), the performances of the *hijra* were represented as subsumed by their role as beggars. Dancing, in fact, was often connected to prostitution. In the words of Crooke (1906), "[t]he better-class Hindu of our day never dreams of dancing himself or permitting the women of his family to practise what he holds to be a degrading art" (120). Consequently, many tribes and castes that were designated as low caste by the British government in the latter part of the nineteenth century were associated with bardic activities.

Yet, this devaluation of bardic performance is also significant because it is something that the British thought that the indigenous population felt was immoral. As a result, any injunctions against such behaviours legislated by the British would be in accordance with their ideology of 'Oriental' rule. That is, their Empire would be just if they punished people for their role in these performances because it is a devaluation based on the beliefs of the 'natives'. Therefore, as long as they governed according to this premise, their governance would be legitimate according to the discursive architecture of Empire.

Moreover, bardic activities were not just associated with the lower castes; they were linked to criminal conduct. Dancing, for example, was understood as being a particularly non-masculine behaviour. As discussed in chapter five, when the British writers divided some traits amongst the *khoja* and the *hijra* through what I called a semiotic reassignment, it was dancing that was connected with the *hijra*. In this discussion, it became quite clear that one of the reasons that the *hijra* were linked with dancing is because it was associated with sodomy. Exemplifying this point, one 'native informant', Syud Ahmed Khan Bahadur stated that the *hijra* "earn a livelihood by dancing and singing in the public streets, an occupation which might be deemed excusable, did they not eke it out by giving themselves up to other abhorrent practices"[163]. For this reason, dancing stood in (or, in Klosowska's language, served as a 'thematic site') for both a lack of masculinity and sexual deviance. As I argued in the previous chapter, where I discussed exclusion for those who deviate from British modes of masculinity and sexuality, these deviations were met with by governance. Thus, dancing did not simply represent a type of activity, but also pointed to a type of deviance that necessitated, in the British imagination, sanction. That is, dancing signified criminal activity. Furthermore, as it is linked to a practice that is deemed 'abhorrent' to the British, this activity is associated with a moral aesthetic that constructs the *hijra* as immoral and, therefore, repugnant. Such a depiction only served to strengthen the justification for the governance of this class of persons.

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[163] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Letter to John Strachey from Syed Ahmed (14th April 1870).

Second, there is a textual precondition for linking the *hijras* with bards. As I mentioned in chapter six, in the *Mahabharata*, the figure of the *kliba* is attached to castration and dancing through Brihannala, the disguised Arjuna (see Appendix One for details of the mythology). Also, in this context, Brihannala also represents other traits: life in the *zenana* (4.2), *tritiya prakriti* (4.2), *shandha* (4.2), and *napumsaka* (4.36). By emphasising the bardic nature of the *hijra*, then, the census compilers privilege a particular association of the *kliba* with a real social group, thereby implicitly linking the traits of the literary figure with the visible one. Thus, the *hijra* comes to embody the connection between dancing and castration through the mythical image of Brihannala, as well as the harem (with its rich Orientalist meanings) and the implied meanings of *tritiya prakriti*, *shandha*, and *napumsaka*. In addition, this is also visible in the *Artharvaveda Samhita* (8.6.11), in which dancing and castration are linked, again, though the *kliba*. However, in this text, the *kliba* is further associated with impotence and the wearing of women's attire (8.6.7)[164], for which the *kliba* is exiled by a mystical protective force. Such banishment is indicative of the detestation with which the cross-dressing *kliba* is translated to have. This correlation, then, is also maintained through the link of *hijra* with bardic activity.

Through the association of the *hijra* with bards, then, they are constructed as having particular traits. They are devalued, as are most of the bardic castes, to the point of criminalisation and moral repugnance. Part of constructing them as criminal is a project of criminalising deviation from British notions of proper masculinity and sexuality. Moreover, this devaluation is represented so that it is not to be blamed on the colonial authorities, since it is a value of the indigenous population, thereby making governance invisible. Furthermore, the bardic trope also allows the *hijra* to be connected to the *kliba*, with the associated characteristics of castration, the *zenana*, and the many corresponding traits linked to the various Sanskrit terms, *tritiya prakriti*, *shandha*, and *napumsaka*, including, but not limited to, cross-dressing and the resulting abhorrence.

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[164] Specifically, the *kliba* wears a tiara (Whitney 2005[1905]) or a woman's head-dress (Griffith 1968[1894]).

### ***Religious Affiliation – Hinduism***

Religion is another theme that emerges in the censuses, especially in relation to the *hijra*. In this section, I argue that the emphasis on the *hijra* as Hindu serves to govern the *hijra* in certain ways. First, Hinduism was thought to be a national religion by many census compilers, one that stood in opposition to Islam. Through this conception of religion, the British could divide the population into two main groups -- Hindus and Muslims -- and, accordingly, rule them according to what they thought were their own laws. This divisive technology functioned within the stated ideology of 'Oriental' rule of the British, thereby justifying Empire as a discursive architecture. Therefore, if the *hijra* are thought to be Hindu, it places them under jurisdiction of Hindu laws; thus the religion is vital in arranging how the *hijra* would be governed. Second, Hinduism was thought of as immorally erotic, atavistic, and criminal (especially in Goddess worship) in the British imaginary. In fact, Hinduism, through the worship of Bahuchara, the Goddess most often associated with the *hijra*, was also linked with castration, sex change, and unnatural fertility. Thus, insofar as Hinduism was a historical relic that had immoral and criminal elements, especially as it was connected with the *hijra*, it demanded governance from the British. That is, the British felt themselves to be justified in their governance of a religion that they thought was so abhorrent.

The connection between the *hijra* and religion is ubiquitous. The *hijra* are not only often represented as a religious group, but the nature of their religiosity --

most often articulated as questioning whether they are Hindu or Muslim -- is often questioned. Previous to the 1881 censuses, only one census depicted the *hijra* as only Muslim (Prinsep 1832), with the others stating that they were of both religions (Hewlett 1873; Leith 1864). In 1881, religion was relatively hidden, since the *hijra* could come under occupational categories that presume a religious role. However, in spite of this, the only censuses that referred to religion counted the *hijra* as Hindu (Baines 1882; Bhatavadekar 1883; Drysdale 1883). With the 1891 census, only one census reports that the *hijra* were Hindu (Dalal 1894), one notes that they were Muslim (O'Donnell 893), and several list them as belonging to both religions (Abbott 1892; Baillie 1894; Drew 1892; Maclagan 1892; Robertson 1893). Abbott's (1892) census of Rajputana is the first census to report eunuchs from Jain and Animist religions. Finally, this pattern repeats in 1901, with only one census listing that the *hijra* are all Hindu (Dalal 1902) and one depicting them as Muslim (Gait 1902); both of these were the same provinces that did so in 1881. The rest of the 1891 censuses represent the *hijras* as coming from both religions (Bannerman 1902; Burn 1902; Enthoven 1902; Luard 1902), with Rose (1902), provincial superintendent of Punjab, including that they sometimes are Sikh.

From this, three patterns emerge. First, the persons who designed the censuses obviously thought that religion was a valuable variable to record, one that added to the picture of India. Second, the *hijra* were disproportionately being represented as being either Muslim or Hindu; very few censuses depicted them as being Jain, Sikh, or Animist, with no references to *hijras* practicing Buddhism or Christianity. Finally, in marked contrast to most of the published records (see chapter four), the *hijra* were depicted in the censuses as practicing both Islam and Hinduism. In order to understand the theme of religion in the censuses, these subjects need to be addressed.

Why is religion so important for the colonial imaginary? Religion seems to be conceived of as a relatively simply category. In the 1891 census, the instruction to enumerators -- instructions that were similar to those supplied for the other censuses -- on religion was:

> Here enter the main religious denomination to which each person belongs, as [Hindu, Muhammedan, Christian, Sikh, Jain, Brahmos, or other religious division of Hindus not mentioned above, Buddhist, Jew, Pârsi]. If a person belongs to some aboriginal or non-Hindu tribe, enter the name of his tribe, as Gáro, Khásia, &c. (Baines 1893: 186)

Religion, then, was thought of as a simple matter, one that can be determined by plainly asking the question. However, it was clear from the reports that the definitions of these simplistic notions were anything but straight forward. Beverley (1872) notes that "the term 'Hindu' is very indefinite, being as often used in the simple sense of non-Muhammadan as in any other" (75-76). During the 1881 census, many others shared this confusion. Eustace Kitts (1882), the administrator for the census in Berar, for example, admitted to some uncertainty around the term 'Hindu' because it was so vague. Part of the problem was that Hinduism was not well theorised by the census-makers. For example, Ibbetson (1883) comments that, on defining Hinduism:

> Practically, the rule we adopted was this. Every native who was unable to define his creed, or described it by any other name than that of some recognised religion or of a sect of some such religion, was held to be and classed a Hindu. The assumption at the basis of this rule is that the Native of India must be presumed to be a Hindu unless he belongs to some other recognised faith. (101)

Such a remark indicates that Hinduism was, by default, thought to be the national religion of the people. In fact, he goes on to say: "Hinduism being defined as the normal religion of the native of India, and as a national ... element" (103).

In 1891, many of the same debates continued. Like Kitts, Menon (1893), the superintendent for Cochin, laments that the term Hindu is misleading and vague. Likewise, Y. Nagam Aiya (1894), who administrated the census for Travancore, comments that "'Hinduism' is not a word recognised by the 'Hindus' themselves. It is a term coined by Englishmen to denote the religion of the Brahmin, for 'Hinduism' is no other than Brahminism itself" (96-97). While he appreciated the 'clumsy' nature of this term, Baines (1893) asserts that there was a practical way to look at Hinduism: "Primarily and historically, it is the antithesis of Islam, and thus includes also Indian forms of faith in which the uncompromising Unitarianism of the adherents of the Prophet detected signs of the worship of idols" (158). Thus, like Ibbetson's version of Hinduism as a national religion, he defines it in terms of what it is not.

These problems in defining the notion continued with the 1901 censuses. Bannerman (1902) also asserts that one could not define Hinduism. Adding some depth to the observations of Aiya's discussion of Hinduism, Dalal (1902) remarks that this term is a recent invention. The term Hindu was originally from the Persian invaders who applied the referent -- originally a derivative of the word, Sindu, from the important Sindhu River -- to everyone in the region who was not Muslim. Later, it was a word that was taken on by subsequent Muslim and Christian invaders. Part of the problem, Dalal argues, is that the notion of 'religion' is very different for Hindus than it is for Europeans. For the Hindu, he argues, "his whole life in all its minute acts, is a part of his religion" (121).

This, then, presents two problems. Not only was Hinduism as a religion vague and misunderstood, but the very notion of 'religion' represents a problem for the census-takers in India. Yet, even though the administrators of the census understood that these problems existed[165], they continued to utilise these notions. The reason for this is that religion was not an innocently descriptive category, but was one that was designed to enable the governance of the population. This can be seen in ways in which Hinduism was conceptualised in the above passages; it was defined as a national religion that was in opposition to Islam. This is exemplified in the Census of the Native States of Rajputana, 1881, in which the author states that, in a region such as this, all that is needed under religion is Hindu or Muslim, unless the person might be one of the few people who differ. Likewise, D. C. Baillie (1894), the provincial administrator of the North-Western Provinces and Oudh, asserts that Hinduism must be understood in opposition to monotheistic religions.

This division of Indian society into two camps has a long history in the nineteenth century. One of the most notable articulations of this separation can be seen in the existence of two legal codes: one for Muslims and one for Hindus. Since the British took over administering law in India, they attempted to judge a person by their own laws. Thus, Hindus were regulated by Hindu law (or, more specifically, British understandings of Hindu law), while Muslims were governed by the Islamic code. While it was a practice that was present through most of the legal literature of the nineteenth century, this was institutionalised in Section 24 of Act VI of 1871, which stated that a person could choose to be applied under Hindu or Muhammadan law. The individual, though, had to be an 'orthodox believer in the Hindu or Muhammadan religion', which he had to 'establish' in the court of law. However, if the defendant could not verify her/his religion, she/he would be tried under laws of 'justice, equity, and good conscience'.

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[165] As early as 1840, British writers such as Horace Wilson were aware of some of these concerns; in Wilson's (1978[1862]) words, the Hindu religion is not "a consistent and homogenous system" (77).

The only way, however, that the British could administer people under their own rule was if they could define the people; that is, in order to rule a people by their own laws, which was what they thought they were doing, the people and their laws must be known. To enable such a colonial legal system, the diverse and disparate groups of India, who could not be considered Muslim, had to be legally identified as a single people. The national religion, then, was accepted to be Hinduism. Of course, the idea of Hinduism was not invented by the British; it had existed ever since the Sindhu River was taken as a name for the people who resided in the area. But, the British did institutionalise it in law and practice. The importance of religion in India, then, an importance that was present in the censuses, was that it enabled a form of governance that allowed the British not to explicitly rule, but to administer a system of laws that saw the people ruled by their own cultural codes.

The attention to which religion the *hijra* belonged echoed this larger social concern. However, this does not explain why they were represented as being Muslim or Hindu, almost exclusively. Also, it does not explicate why the *hijra* are more often thought of as Muslim than Hindu. This second pattern to emerge from the censuses can be elucidated by examining the details of how the *hijra* were depicted religiously. Through this examination, it will become clear that the ways in which Hinduism and Islam are understood are reflected in to which religions the *hijra* were allotted in the censuses.

While several nineteenth-century British writers did write positive things about Hinduism[166], most of the writings depicted it in negative terms. Focusing on portrayals that are related to the *hijra*, first I will discuss one of the ways in which this supposed religion was constructed as erotic. For instance, in writing of the 'depravity' of the Hindus, Abbe Dubois (1906[1897]), originally in 1815, mentions several points: "Many of them [*brahmins*] possess abominable books in which the most filthy and disgusting forms of debauchery are systematically described and taught. These books also treat of such matters as the art of giving sensual pleasures..." (310). These religious books fascinated Dubois, especially insofar as they created a contradiction between asceticism and eroticism:

> But by one of those contradictions which abound in Hindu books, side by side with the account of the punishments inflicted on a hermit for his inability to conquer his sensual passions, we find, related with expressions of enthusiasm and admiration, the feats of debauchery ascribed to some of their munis -- feats that lasted without interruption for thousands of years; and (burlesque idea!) it is to their pious asceticism that they are said to owe this unquenchable virility. (518)

It is for this reason that Dubois located these texts within a moral aesthetic, as his description of them as containing references to activities that are 'filthy and disgusting' indicates. As noted by Wendy O'Flaherty in her *Asceticism and Eroticism in the Mythology of Siva* (1973), several British authors were enthralled by this connection. William Arthur (1902[1847]), for example, states: "Deeds we should blush to name are sung in lofty verse, and as the performance of glorious godhead" (400). Of course, the pro-Christian perspective can be seen in the words of both Dubois and Arthur, not surprising, given their status as missionaries. In fact, Arthur argues that it is for these reasons -- the attributing impure vices to a 'clean thing' -- that Hindus do not really know 'God' (or, more accurately, his conception of 'God'). Another missionary, Hollis Read (1858) was struck by the vices of Hindus: "[t]heir heaven is a place of unbridled sensuality, with the physical susceptibility on their part of perpetual indulgence" (101). Further, he remarks:

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[166] For instance, Elphinstone (1966[1842]) wrote that the Hindus are free "from gross debauchery [including a lack of drunkenness, immodesty in their vices, and] ... the superiority in purity of manners" (200), although "[t]heir great defect is a want of manliness" (197).

> It is shocking to every sense of modesty to look at the figures which are carved on the walls of the temples at Ellora, and at several other places which I have visited. The arts of exciting the passions are practiced in India, if we may judge from the representations of such things on the walls of their temples, to an extent inconceivable to any person of decent imagination. (286)

These writers, while being missionaries, demonstrate a concern for the immoralities of the uninhibited eroticism of Hinduism.

However, it was not only those whose task it was to convert others to Christianity who were outraged by this dimension of Hinduism; many ostensibly secular authors were also surprised. W. R. Cornish (1874), author of the 1871 census report for the Madras Presidency, comments on the "hideous, and filthy carvings on idol cars, and temple walls of the south, show but too clearly that lewdness and indecency enter largely into the religious life of the people" (103). That is, Hinduism was constructed as aesthetically immoral. Because of these sorts -- both textual and visual -- of depictions, Robert Martin (1884) characterises Hinduism as being somewhat defined by their 'carnal indulgences'. According to Edward Sellon (1902[1865]), the Orientalist William Jones also wrote of this aspect of the Hindus. In the words of Jones:

> It is remarkable to what a degree their works of imagination are pervaded by the idea of sexuality. Indeed, it seems never to have entered into the heads of the Hindu Legislators and people that anything natural could be offensively obscene, a singularity which pervades all their writings, but is no proof of the depravity of their morals, thence the worship of the Linga by the followers of Siva, and of the Yoni by the followers of Vishnu. (12)

Hinduism, perceived to be a religion of debauchery -- especially at the time of Holi -- and excess, challenged the notions of British propriety.

As indicated by Jones' above passage, the worship of the *linga* was further evidence of the depravity of Hinduism. This harkens to a topic of some significance to British writers of the time: priapic worship. The worship of the

Greek and Roman God of fertility, Priapus[167], was linked to India through their reverence of the lingam. In the account of John Fryer's (1912) travels in India in the late seventeenth century, he records that the Hindus practice "Idol Worship of Priapus, (where the Women prostitute themselves to him [the Deity], and receive the Pleasure of Copulation, all that while being as it were possessed)" (77); he compares such worship to that of the Devil. Richard Knight's *A Discourse on the Worship of Priapus* (1786), Thomas Wright's *The Worship of the Generative Powers* (1865), Hodder M. Westropp's *Phallic Worship* (1870), and Staniland Wake's *Influence of the Phallic Idea* (1875) also link the worship of the lingam to that of this ancient God; Knight even connects the practice to the *Bhagavad Gita*, an important text in the *Mahabharata*. Edward Sellon (1902[1865]) was explicitly interested in this form of veneration, arguing that lingam-worship -- the Indian form of priapic rites -- was universal until the Muslims arrived in India. These accounts represent lingam worship as an atavistic remnant of a relatively primitive practice, one that many link to the worship of the Sun.

However, this sort of worship was connected to castration. The French author, Jacques-Antoine Dulaure, in his *Priapic Divinities and Phallic Rites* (1870), linked lingam worship in India to sterility and impotence through castration; the mythology of the lingam speaks of the originary castration of Shiva, from which came the human race. In *The Himalayan Gazetteer* (2002[1881]), Edwin Atkinson recounts a different story -- one that is present in Dubois' (1818) writings -- about the God Shiva, who flung his lingam to the earth in response to a curse that various sages put on him. Thus, for Sellon, "[t]o the influence of this image [the Phallus] was attributed the fructifying warmth which brought to perfection the fruits of the earth and contributed to the reproduction both of man, animals, and everything that has life" (6). This mythic account links castration to fertility through the lingam. Consequently, phallus worship was seen as both primitive and productive in the Indian context.

One reoccurring themes in the relationship between *hijras* and religion is that they venerate the Goddess. Usually associated with Bahuchara, some British authors depict *hijra*-like figures worshipping other female deities, including Huligamma (Fawcett 1890; Gray 1908) and Yellamma (Enthoven 1976[1915]). Through her iconography and representation in British texts, Bahuchara -- connected through myth to childbirth and sex change -- is associated with both Kali (Faridi 1899) and Amba Bhavani[168] (Forbes 1924[1856]). This relationship, however, carries with it a negative connotation. Throughout the various colonial writings, the figure of Kali and Amba Bhavani are negatively represented[169]. They are depicted as bloodthirsty (Allen *et al.* 1979[1905]; Arthur 1902[1847]; Baillie 1894; Bingley 1978[1898]; Cornish 1874; Crooke 1906; Ward 1970[1822]), for whom human sacrifices are offered (Allen *et al.* 1979[1905]; Balfour 1967[1885]; Bingley 1978[1898]; Crooke 1971[1897], 1973[1907]; Dubois 1818; Elmore 1995[1913]; Gait 1913; Nelson 1868; Sherring 1984[1879]; Wilks 1810, 1817). Also, their worship is indecent, both morally and sexually (Allen *et al.* 1979[1905]; Balfour 1967[1885]; Cornish 1874; Crooke 1973[1907]; Oman 1907; Ward 1970[1822]); in fact, Crooke (Risley *et al.* 1975[1907-1909]) maintains that Goddess literature, in its early form of the Tantras[170], gives prominence "to sexual ideas has sometimes dragged down to the lowest depths" (178). Furthermore, her veneration is connected with the consumption of liquor (Balfour 1967[1885]; Crooke 1906; Nelson 1868). In these ways, Hinduism, especially as it relates to the *hijra*, is depicted as aesthetically immoral. However, and this is the most important, they are worshipped by many different groups of criminals, such as Gipsies, *thuggees*, and an overwhelming assortment of criminal castes (Crooke 1906; Ibbetson 1883; 'Indian Gipsies' 1890; McCosh 1856; Ward 1970[1822], 1824).

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[167] This deity was often represented by, or having, a large penis.

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[168] According to Paolino da San Bartolomeo's *A Voyage to the East Indies* (1800), which consists of accounts from his travels to India between 1776 and 1789, the Goddess Bhavani takes different forms: "According to the Brahmans, this goddess Bhavani changes and transforms herself into a thousand shapes, and appears sometimes as a man, and sometimes as a woman" (327).

[169] For some of the paintings that inspired such an understanding, see Sinha (1993).

[170] A body of spiritual texts that represent a range of practices that the British generally abhorred, often associated with five Makaras: Mansa; Matsya; Madya; Maithuna; and Mudra; that is: "flesh, fish, wine, women [i.e., sexual excess], and certain mystical gesticulations" (Wilson 1958[1862]: 143).

By connecting the Goddess of the *hijra* to Kali and Amba Bhavani, the colonial writings link her with this series of negative attributes. However, it was not only these two Goddesses that were depicted in such a way; they were connected to many other Goddesses, including: Apurna, Bhagavati, Chandika, Devi, Durga, Gauri, Kamakhya, Parvati, Prakriti, and Umbika. In fact, most of the well-known Goddesses were said to have these characteristics. Generally, the British were far more accepting of the male Gods in Hinduism, although they still found them somewhat disturbing at times.

Bahuchara, of course, was not simply linked with these depictions of the Goddess, *in toto*. She was a deity that was linked with sex change and fertility. Many stories exist of her granting sex changes (Bhimbai 1901; Dalal 1902; Elliot 1883; Enthoven 1997[1922]; Enthoven & Jackson 2000[1914]) and being worshipped for fertility (Forbes 1924[1856]). However, through the group with which she is most often identified, the *hijra*, she is associated with castration. These emphasised attributes, then, are the ones that are attached to the portrayal of the Goddess. Consequently, the notions of changing one's sex, unnatural fertility, and castration, especially through the sacrifice of a man's penis in order to confer fertility onto others, invokes these idea of blood and sacrifice, indecency, and criminality. That is, the connection of Bahuchara with the depiction of Kali serves to make the invisible -- blood sacrifice, supernatural fertility, and emasculation -- visible in her image. In this way, the ostensible immorality of Kali becomes linked with the Goddess, justifying the criminality of her worship by the *hijra*.

Hinduism, then, was understood in a particular way, especially as it was invoked in relation to the *hijra*. It was debauched and erotic, atavistic and emasculating. It was a religion of bloody human sacrifices and lewd indecency that allowed, if not sanctioned, criminality. The *hijra* were, in many ways, manifestations of this belief. The Hinduism of the censuses, then, was not innocent, but carried with it these other meanings.

### *Religious Affiliation – Islam*

Yet, the other side of the religious equation was Islam. Insofar as Islam was constructed in Cryptocrystalline Orientalist terms, the British thought that, like Hinduism, it necessitated governance to put an end to its cruelty, despotism, and immoralities. Second, however, Islam was also a masculine religion, especially in comparison to the Hindus, who were often represented as effeminate in British writings. As I argued in chapter five, the masculinity of the Muslims is of a less desirable form than that of the British, thereby creating a hierarchy of masculinity. In fact, insofar as the British associated masculinity with civilisation, the Muslims were represented asbeing in need of a civilising force to bring them up to par with the British, thereby justifying the colonial enterprise. Moreover, since Muslims were also associated with sexual excess in the British imaginary (see: chapter six), eunuchs are the result of such debauchery.

If religion was a key factor in representations of the *hijra*, then Islam is a central aspect of that depiction. Many of the census reporters document that the *hijra* have an important link to Islam. In fact, despite their connection to Goddess-worship, the link between Islam and the *hijra* was a significant and popular one. Crooke (1999[1896]), for example, drawing on the census of 1891, states that, of the *hijra*, "nearly all of them are Muhammadans" (ii. 495). Also, Rose, who was the provincial administrator for the census in Punjab, states that "[t]he hijras are all Muhammadans" (1980[1919]: ii. 331). As discussed in chapter five, like Hinduism[171], it was represented as overly sensual and sodomistic. Also, Islam, as the source of the institution of eunuchdom, was understood as despotic and cruel. Thus, the link to Islam represents an articulation of the discourse of Cryptocrystalline Orientalism. However, there is another dimension that I would like to discuss here: especially in contrast to the supposedly effeminate Hinduism, Islam was manly. This is often a relational observation; that is, when the positive elements of Hinduism were emphasised, it was often in a text that critiqued the manliness of its adherents[172] (Elphinstone 1966[1842]). Also, it was usually in the context of critiquing the Hindus as effeminate that Muslims were described as masculine.

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[171] Interestingly, when the colonialist authors discussed Hinduism in the context of Islam, they often emphasised the lack of sexual excess of the Hindus (Chevers 1854; Elphinstone 1966[1842]; Martin 1884); however, when they consider Hinduism without attention to Islam, they represent Hindus as debaucherous (Arthur 1902[1847]; Broughton 1892[1813]; Dubois 1906[1897]; Malcolm 1981[1812]). One exception is Bingley (1978[1898]), who argued that the Rajputs were free from debauchery; however, he attributes this to their manly nature, which makes them the 'best specimens of Hindu character'.

Following the arguments of Mrinalini Sinha (1995), I am arguing that the Muslim Other is constructed as masculine in the writings of the nineteenth century in opposition to the effeminate Hindu. F. M. Coleman (1899[1897]), for example, refers to the Bengali 'Baboo' as cowardly and weak. In opposition, Muslims are depicted as courageous; Kabulis in particular are portrayed in his work as "a hardy race of men" (36). From this, he asserts that the Hindus make excellent servants. Helen Mackenzie (1853) likewise compares Muslim Afghans to Hindu Rajahs, the former being "manly energetic men", while the latter are "weak, so childish, such mere babies" (238). Throughout these texts, effeminacy is used as an explanation of the ease with which the Hindu population accepted rule.

Nowhere is the relationship between notions of governability and masculinity clearer than in the following exceptional quote from James Mill (1826[1817]):

> In point of address and temper, the Mahomedan is less soft, less smooth and winning than the Hindu. Of course he is not so well liked by his lord and master the Englishman; who desires to have nothing more to do with him, than to receive his obedience. In truth, the Hindu, like the Eunuch, excels in the qualities of a slave. The indolence, the security, the pride of the despot, political or domestic, find less to hurt them in the obedience of the Hindu, than in that of almost any other portion of the species. But if less soft, the Mahomedan is more manly, more vigorous. He more nearly resembles our own half-civilized ancestors; who, though more rough, were not more gross; though less supple in behaviour, were still more susceptible of increased civilization, than a people in the state of the Hindus. (ii. 133)

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[172] One exception is the articulated connection between idolatry and morality, which conceives the morals of the Hindu people decreasing as idolatry became more popular in British imagination (Hewlett 1886).

This passage is useful for two reasons. First, not only does Mill capture the idea that Muslims are manlier than the Hindu, which enables the former to govern latter, but he indicates that the British are also masculine; in fact, Mill relates masculinity to the capacity to have a civilisation. Moreover, in spite of the similarities, the followers of Islam are represented as less civilised than the British, having more in common with the 'half-civilized ancestors' of the British colonialists. This links the depiction of Islam as uncivilised, discussed in chapter five, with constructions of masculinity. Moreover, this framework of intelligibility presented a justification for Empire: the civilising process. By transforming the form of masculinity from a Muslim one to a British one, in the British imaginary, the colonialists are understood as bringing the indigenous people into civilisation. In this way, the imperial endeavour is justified.

Second, Mill explicitly links the Hindu with the Eunuch through the qualities of effeminacy and slavery. Through this passage, both Hindus and eunuchs are positioned as opposite to the Muslim, both in terms of masculinity and governability. Like the previous discussions of *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava*, Mill's text emphasises the effeminacy of the eunuch. In addition, just as certain Sanskrit texts used the *kliba* and *napumsaka*, a word that colonial translators took to refer to eunuch, to indicate one who could not rule, but could only be governed[173], Mill associated eunuchs (and Hindus) with subservience.

Furthermore, in my discussion of these Sanskrit terms, drawing on the work of McLaren (2007), I argued that the lack of masculinity was understood through the British understanding of impotence, especially as it intersected sexual excess. This is significant, in that, insofar as Muslims are depicted as both manly and engaging in sexual excesses, the eunuch is the figure of impotence that results from such licentiousness. Several themes that link the eunuch to sexual overindulgence are present in British writings. In the colonial imagination, because the Muslims were perceived of as sexually immoral, they maintained harems that, in turn, required eunuchs. Also, their desire for sodomy necessitated an institution of sexual receptive male partners: eunuchs. Eunuchs, then, are the consequent of the immoderation of Muslims.

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[173] For references to *klibas* being unable to govern, see the *Mahabharata* (8.70, 12.20); for a reference for *napumsaka* not having the ability to govern, see the *Mahabharata* (12.142).

Muslims, then, were depicted as manly; however, their masculinity was understood as a flawed one. They did not have the restraint and self-control that enabled the British to create their civilisation. Furthermore, their governance was despotic, rather than the fair and just system of the British. The evidence of their inadequacies can be found in the figure of the eunuch. The eunuch is a product of their sexual excesses and is effeminate whereas the Muslim is manly. Just like Hinduism held a particular position in the colonial imagination, one that created a space of intelligibility for the *hijra*, so did Islam; it was comprehensible that the *hijra* belonged in Muslim communities, given these conceptions of Islam. Constructions of Buddhist, Sikh, Jain, and Animists did not allow for this rich position to exist; consequently, very few *hijra* were identified with these other religions.

Religion, then, is a complicated theme, when articulated in relation to the *hijra*. It represents a way of depicting the Hindu world as depraved and immoral, while portraying the Muslim one as despotic and debauched; this is done through the linking of the *hijra*, especially through religion, with castration, impotence, sodomy, and criminality. Furthermore, the trope of religion evokes a discourse of masculinity. Through these constructions, the *hijra*, through religion, serve to depict the Oriental world as one that is in need of colonial governance.

### ***The Embodied* Hijra**

The last theme on the *hijra* that emerges from the censuses has to do with the ostensible oddity of their sex make-up. For a group of eunuchs, they have a large number of women in their ranks. Like the previous themes of associating the *hijra* with caste, bardic activities, and religion, as well as the primacy of the *hijra* as a signifier, the embodiment of the *hijra* is also a bio-political theme in the censuses that construct them as governable. In this case, though, it is their bodies that are constructed as falling under the gaze of imperial regulation. Many census officials attempted to explain this contradiction in such a way as to allow the *hijra* to continue to be conceived of as a eunuch. Interestingly, their arguments lack precision and accuracy, begging the question of why these British writers were so concerned in maintaining the eunuchness of the *hijra*. Indeed, the body of the *hijra* became a site at which to govern masculinity. Insofar as the *hijra* were men, then their failure to embody masculinity allowed them to be governed, in ways that I have already discussed.

The contradiction between definitions of the *hijra* as males and the inclusion of women in their membership can be seen in many of the Imperial censuses. In the 1871 census, all eunuchs were declared to be males. However, in 1881, one provincial census report (Ibbetson 1883) returned that the *hijra* were made of both men and women. Yet, in spite of this return, the architects of the censuses attempted to eliminate such ambiguous data. Also in 1881, enumerators in Mysore were instructed to count eunuchs as male (Rice 1884). In fact, in the princely state of Baroda, not just eunuchs were to be counted as males, but, according to the instructions to enumerators, Circular No 11, paragraph 6, column 4, "Eunuchs or *hijdas*, *fatdas*, *pavaiyas* should be regarded as males" (as quoted in Bhatavadekar 1883: 29). These represent attempts by the designers of the censuses to anchor the meaning of eunuch, *hijdas*, *fatdas*, and *pavaiyas* as males.

Despite such attempts to control the meaning of these groups, the 1891 census saw even more resistance to such control. Four provinces reported that females contributed to the constitution of the *hijra* (Baillie 1894; Dalal 1894; Maclagan 1892; O'Donnell 1893). Also, the instructions to count eunuchs as males were passed onto at least two provinces, that of Punjab[174] (Maclagan 1892) and Coorg (Stuart 1893), as well as one princely state, Cochin (Menon 1893). In 1901, all enumerators in all regions were told to count eunuchs as males (Risley & Gait 1903). However, several provinces still returned some *hijra* as females (Burn 1902; Enthoven 1902; Gait 1902; Rose 1902).

While the problem of including women in a group that is ostensibly defined as eunuchs has largely gone unexplained by the provincial and national administrators of the censuses, there have been at least three possible explanations given. The first author to attempt an explanation is Risley in his *The Tribes and Castes of Bengal* (1981[1891]). In this book, he argues that the female *hijra* were really a mistake on the part of 'an ignorant enumerator' in Patna. The census-taker, it seems, wrote down that several people belonged to the caste of *tijra*. Since no such caste existed, the census clerk recorded *hijra*. When Risley looked into the matter, he found that the people in question belonged to the caste, *Doshadh*, a caste appellation that was more commonly known in Urdu as *hajra*. It was this that the enumerator incorrectly referred to as *hijra*. Risley's explanation allowed him to continue to define the *hijra* as "a eunuch or hermaphrodite" (xi) by explaining the deviation as an error.

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[174] This is the same province that counted some *hijra* as females in the previous census.

Another way to account for this seeming inconsistency is by attributing the existence of women to a caste other than to that of the *hijra*. As I discussed earlier, Gait (1902) asserts that "[t]he word Hijra means, 'eunuch,' and the excess of males show that the word is often used in this sense in the census schedules. But it is also employed to indicate people who sing and play at the birth of a child, and may possibly, when used with this meaning be a synonym for Pawaria" (446). His explanation attempts to maintain the definition of *hijra* as eunuch, in spite of the inclusion of women who call themselves *hijra*.

Finally, Crooke (1999[1896]) maintains that the women who were counted under the caste of *hijra* were not *hijra per se*, but depended on them. In this words, "[t]he Census Returns show that they have a considerable number of women dependent on them" (ii. 495). Like those above, he insists that *hijra* are eunuchs.

These explanations do not explain the phenomenon satisfactorily. While his justification might make sense in the area of Patna, Risley's analysis fails to explain why the other provinces continue to return women in the ranks of the *hijra*. Likewise, Gait cannot account for the existence of women who identify as *hijra* in provinces that do not include the *pawaria* caste, a caste that Baines (1893) argues is unique to Bengal. Furthermore, Crooke's reason for this situation is flawed, insofar as he maintains that *hijra* are eunuchs. If women were dependent on the *hijra* and identified as such, then the social group that he calls the *hijra* would include women. However, his argument, like those of Risley and Gait, is designed to maintain the definition of the *hijra* as eunuchs. However, he does not make a good case for excluding these women from their ranks; instead, it makes more sense to redefine the social category of *hijra*. Finally, this point is evident, too, in the marriage practices of the *hijra*. As I mentioned above, some male *hijra* are married to non-*hijra* females, whereas some female *hijra* are married to men who do not identify as *hijra*. How is *hijra* being defined in such a way as to exclude marriage partners?

In spite of the presence of women in the reports of the *hijra*, people continue to define them as *hijra*. Even those individuals, who either draw on the census information or were part of the censuses, insist on designating the *hijra* as eunuchs. For example, Ibbetson, in his *Panjab Castes* (1916[1883]), insists in summarising the *hijra* as eunuchs, despite the fact that, in the census that he reported in 1881, he found both males and females in their returns. In fact, as discussed above, even in his census report, he designated the *hijras* to be eunuchs, even though the data suggested otherwise. Rose, too, in his *A Glossary of the Tribes and Castes* (1980[1919]) labels the caste as eunuchs, notwithstanding the fact that he, like Ibbetson, served as a census superintendent who reported both male and female *hijras*. Crooke, in his *The Tribes and Castes of North-Western Provinces and Oudh* (1999[1896]), is resolute in his conviction that the *hijra* are castrated males, even though the census reports that he is drawing on, those of 1891, indicate that this is not the case (Baillie 1894).

Like previous discussions of caste and religion, the authors are attempting to anchor the meaning of *hijra* to mean a certain thing: eunuch. However, just like in these other cases, the censuses demonstrate a resistance to this construction. The question of why this is so can only be answered by conjecture. I would put forth the argument that the enumerators were not persons who necessarily accepted the British framework of intelligibility[175] and, therefore, did not carry with them the agenda implicit in the censuses. As a consequence, much of what was recorded was an effect of self-reporting; the instructions for enumerators to count eunuchs as men would have been limited to the how the enumerator understood eunuchs. If an enumerator thought that the *hijra* were hermaphrodites, then she/he would not challenge the return of 'female'.

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[175] In fact, often the census organizers would hire locals -- such as servants, religious persons, and 'school boys' -- who were not familiar with the British logic. The reason for this is that the exercise of the census was a large endeavour. As an example, the census for the North-Western Provinces and Oudh utilised 1283 superintendents to 216621 enumerators (Burn 1902). In fact,

Moreover, why were the architects of the censuses so concerned with representing the *hijra* as males? As I discussed above, masculinity is a powerful trope in colonial notions of governability. Evident in their translation of indigenous texts and their own discussions of the state of affairs in South Asia, the British associated the lack of masculinity with the inability to rule. The *hijra* embodied this conception, as they represented a failure of masculinity in the colonial imagination. Consequently, the preoccupation of the census administration represented a link between the indigenous texts that maintained that *kliba* and *napumsaka qua* eunuchs could not rule and the *hijra*. By translating the *hijra* as a nodal point, one which anchored the relationship between masculinity and governance to the various characteristics of the *hijra* (including degraded, disreputable, and criminal behaviours, immorality, debauchery, and Oriental despotism, not to mention the varied perceived attributes of the *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara* and *kesava*), the *hijra* represented a site at which 'Oriental' culture could be understood as requiring colonial governance. In other words, the *hijra* represented a larger figure than simply a castrated male: it came to embody everything the colonial regime detested about the 'Oriental' context and provided a site which allowed the governing gaze to criminalise such attributes.

Throughout the censuses, there were attempts to control the meaning of the *hijra*, to achieve a consensus on what it means to belong to such a class of persons. Yet, as is apparent in this section, there was resistance to such control; even though enumerators were explicitly told to count the *hijra* and eunuchs as men, many returned them as women. The attempts to control this definition of the

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the census compilers often lamented the lack of 'understanding' or 'education' of the enumerators (Drew 1892; Gait 1902: iv. 30; McIvers 1883: iii. 83).

*hijra* in spite of such ambiguity, never mind the attempts to misrepresent the census data in popular accounts that continued to represent the *hijras* as castrated males, reveal a preoccupation with masculinity (or the lack thereof) in the *hijra* population. Such a preoccupation is associated with a perceived connection between masculinity and governance in the colonial administration.

## Conclusion

The censuses, then, demonstrate how a consensus on who the *hijra* were -- that is, a distinct social group with a range of specific attributes -- was being constructed. Just like the translations of *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kesava* into eunuch constructed a group of people who are characterised by impotence and effeminacy, the Imperial censuses created a classification that reified into existence an aggregate of eunuchs who belong to a particular religion and caste, were effeminate and criminal sodomites, and were the product of immoral, depraved, cruel, and atavistic social history. Moreover, the social group that is constituted by these translations and censuses is one that enabled British governance in the region. The *hijra* were constructed by the censuses as devalued and criminal, not through British attitudes, but through 'Oriental' culture. Exemplifying the necessity for moral intervention, the unmanly *hijra* demanded the end to the social evils of the despotic Muslims and the debauched Hindus. The censuses recorded how the British had virtually put an end to the crime of castration and sodomy, something that both Muslim and Hindu governance would -- and could -- not do. Such perceived success served to justify continued colonial rule.

Moreover, the provincial reports of the censuses exemplify how this was not a practice that was accepted uncritically or universally. Several regional superintendents voiced disapproval with the categories that the censuses utilised. Some found fault with the concepts of caste and religion, especially as these notions were applied to the *hijra*. In spite of these reservations, the censuses constructed knowledge in a certain way, a mode that was supported by the texts -- especially those of Kitts (2002[1885]), Ibbetson (1976[1883]), Crooke (1999[1896]), and Rose (1980[1919]) -- that were written after the censuses. A particular definition of the *hijra* emerged from these writings, illustrating how these censuses functioned as technologies of biopower.

In this way, the *hijra* as a nodal point of Empire served two roles. First, the *hijra* justified the Imperial endeavour, by constructing the 'Orient' as a site demanding of governance; that is, the figure of the *hijra* legitimated colonial rule in the region. Of course, the *hijra* served this role in such a way as to make it seem that it was the 'Oriental' system of laws and values that demanded its regulation. Was it not, according to the British, indigenous custom that made dancing immoral? Are caste and religion not traditions? Second, the *hijra* served as a site in which those aspects that were considered deviant from the British conceptual framework were made governable. This was accomplished through the censuses, as they made this conceptual framework manifest. Consequently, the bio-power of the censuses served to construct the *hijra* as a figure and a body worthy of governance. Yet, in doing so, these governable attributes become discursively criminal, thereby making the specific traits illegal; that is, through making the *hijra* criminal, the associations that the *hijra* has are also criminalised, allowing for a particular form of governance to be produced.

It is to this last point that I will now turn: the criminality of the *hijra*. In the following chapter, I will turn back time, and explore how the earlier accounts led the British to this point. Consequently, chapter eight will explain many of the representations that are present here, and thereby wrap up my narrative of my archaeology/genealogy of the *hijra*.

## Chapter Eight: Containment of the Perverse

With the previous chapter, I have told the story of how the *hijra* were understood at the end of the nineteenth century. What could explain this representation? In order to explain how the accounts of the *hijra* came to be what they were at the end of the nineteenth century, I am now going to turn to the middle of the century. One of the more important ways in which the ideational construct of the eunuchs was realised was through the sphere of law; this is the topic of this chapter. In focusing on law, I will not only look at what laws were in place, but I will examine the discourses around the emergence of legislation, how these laws were put into practice, and how the desire for such laws came to be. Through its focus on legislation, this chapter tracks the representation of the *hijra* through three distinct periods. In the early nineteenth century, there was a tolerance and curiosity towards the *hijras*, albeit one framed by a moral aesthetic, captured by the disgust with which they were depicted. Yet, there was little consensus about their attributes: some portrayed them as castrated sodomites, while others did not. In the middle of the nineteenth century, the *hijra* were brought under increased governance, although some colonial administrators were wary about placing too many limitations on their rights, especially when such constraints would hamper their ability to make a living. While their characteristics were beginning to solidify in the colonial imaginary, there was still some variation in their depiction. By contrast, in the latter half of the century, the solution to the perceived problem of the *hijra* was framed in terms of extermination. Furthermore, they were increasingly depicted as castrating and kidnapping sodomitical prostitutes, who cross-dressed and were associated with the 'criminal tribes'.

The first section that I will discuss frames the exploration of law. Here, I draw the link between colonial law and the colonial nation-state. Furthermore, I discuss how the British administrators in South Asia understood colonial law. Especially, I will discuss the contradictions in colonial law between the particularistic and the universalistic: the view that laws should govern each group by their own cultural/moral/legal framework versus the perception that law should rule all people equally. It is this point that serves as the engine for much of the debates in colonial law, insofar as it exemplifies the tension between the discourse that constructs immoralities as practices that must be stopped -- such as the ones constructed in Cryptocrystalline Orientalism -- and the ideology that the 'Orientals' must govern themselves. In fact, as I will demonstrate, it is within the discursive space of this contradiction that the colonial nation-state was articulated.

Next, I will provide an overview of legislation prior to 1871 that affected eunuchs. By focusing on various legislations that affected the *hijra* (specifically: anti-castration, anti-sodomy, and revenue laws), I make several arguments. First, I assert that the representation of the *hijras* -- in terms of sodomy, transvestism, and castration -- was not set in the early nineteenth century, but was in flux. As it became anchored in the 1850s, the associative characteristics also became stronger. Second, the association of the *hijra* with Islam exemplified the presence of a Cryptocrystalline Oriental discourse, one that justified the colonial nation-state as necessary to get rid of such debauchery. However, in this chapter, I explore how this discourse changed from representing Islam as the bastion of immorality to include Hinduism under this label. With this transformation, an invented heterosexual community was tacitly put forth in opposition to the one embodied by the Cryptocrystalline Orientalism; consequently, this discourse was used to justify a specific community against which one that was represented by certain immoralities could be contrasted. Such a community represented the one that the colonial nation-state was imagined to govern. Third, this discourse was in conflict with the stated desire of the British to rule the 'Orientals' with their own laws, thereby justifying their presence in the region. Moreover, I claim that, as a particularistic model of law gave way to a more universalistic one, this ideology of 'Oriental' rule, which was valued by the British colonialists, came under increased attack. Finally, in this period, there is a continued effort to represent the *hijra* as violating a moral aesthetic, especially through their construction as criminals.

Finally, in the last section, I will provide a detailed examination of a vital piece of legislation that came into effect in 1871: the Eunuch Act. The variable representations of the *hijra* became established with this Act. Created partially by a moral panic caused largely by the article in a native newspaper, the *Soma Prakash*, which caused a greater attention to eunuchs that ended in the 1871 Act, this legislative piece represented the *hijra* in such a way as to connect a variety of different groups with the *hijra*, but with the *hijra* as the privileged signifier. Specifically, the *hijra* became associated with castration, sodomy, prostitution, transvestism, and the Criminal Tribes, not to mention the kidnapping of young children. Through the discussion around the legislation of this Act, it will become apparent how the British represented the *hijra* in terms of Cryptocrystalline Orientalism as a means of controlling them; that is, the articulation of this discourse is sensible only in the context of governance. Furthermore, the contradiction between the Orientalist discourse and the stated ideology of 'Oriental' rule, especially in the context of the tension between particularistic and universalistic conceptions of colonial law, increasingly was resolved with a move to greater governance and universality of law, even though this was not complete; indeed, some laws that supported a particularistic view remained, providing a continuation of the justificatory role of the ideology of 'Oriental' governance. Also, the consolidation of the various representations of the *hijra* in this legal construct can be traced to a particular moment in Indian/British relations: the 1857 Rebellion. Finally, through various metaphors, especially that of the child, the *hijra* were constructed as the negative pole on one of a moral aesthetic, which posited them as the antithesis to citizenship. These linkages, I will argue, provide points which construct the colonial nation-state.

## Colonial Law and the Nation-State

In the following section, I will examine the relationship between the legal and political spheres. This section will discuss the importance of colonial law to the colonial nation-state. That is, insofar as the colonial nation-state is a translated site that is defined by 'jurisdictional disputes', something that I have argued in chapter two, the clashes over and discussion around legal issues are key points in defining the colonial nation-state. In this context, I explore how the colonial nation-state is dialectically related to the legal system, allowing insights on the former to be illuminated by analysing the latter. This can be exemplified by the conflict between what I have termed particularistic and universalistic perspectives on law. A particularistic view posits that each group should be governed by its own framework of morality, law, and/or culture. This is embodied in what I have called the ideology of 'Oriental' rule, in which the British had justified their presence in South Asia though the logic that they were not ruling the population, but administering their own legal systems. A universalistic view is one in which all people should be ruled equally. Insofar as this assumes an objective morality, against which crime is defined, this perspective is echoed in Cryptocrystalline Orientalism, which represents various forms of debauchery associated in the 'East' as justifying the governance by the British in the region. It is within this discursive space of conflict over law that the colonial nation-state is articulated.

The relationship between law and the state during the colonial period has recently become a field of interest for many scholars. While in the past, scholars such as J. Duncan Derrett posited that law -- or "that aggregate or totality of rules which are or may be enforced upon the subject by the courts of the State" (1968: 35) -- was just an extension of the state, contemporary academics have realised that the relationship between the two is far more complicated. As I asserted in chapter two, the colonial state was not monolithic or unified, but was an articulation of various voices and institutions; the nation-state -- especially the colonial one -- is fluid and emergent in the field of immanence. Accordingly, colonial law held many of the same characteristics. As Lauren Benton (1999) argues, the colonial legal order was fluid; the sources of both European and indigenous law were in flux. The colonial jurisdictional disputes "shaped the formation of the colonial state. ... Through such disputes, the state came to be invested with a special authority, one that not only subsumed alternative legal authorities but established a monopoly claim to definitions of political identity" (564). Thus, drawing on Benton, I argue that the colonial nation-state was constructed through the attempts to establish legal codes in the area.

Along the same lines, Akhileshwar Pathak (2002) proposes that laws are both attempts by the local administrators to deal with specific issues that arise in the colonial context and framed by the legal system of Europe, translated into the indigenous context. That is, laws represent two facets: strategy (the attempt to deal with a specific situation) and ideology (the discursive frameworks of the European legal system). Thus, one cannot examine colonial law as unproblematically imposed from the outside; although it is informed by the ideologies of Europe, it is unique to the colonial relations.

However, I am not arguing that colonial law and indigenous law (or, in the words of the colonialists, custom) were two distinct categories. In fact, as Rina Williams (2006) summarises, a theme in recent discussions of colonial law is that 'western' and indigenous laws were mutually constituted during the colonial era. Radhika Singha, in her *Despotism of Law* (1998) concurs, when she notes that: "Macaulay had set out to codify the criminal law on India hoping it might induce the English to reform their own law as well" (299). The success of Macaulay's endeavour is evidenced by the fact that penal laws in England (mostly in the years 1882 and 1893) were codified after they were institutionalised in India (through the Indian Penal Code of 1860). That is, penal codes in the so-called 'West' were tested first in the colonial context. In this way, colonial and indigenous law were not unrelated systems.

Drawing on this, I maintain that the relationship between the colonial state and law is one of interconnection. Certainly, in the words of David Washbrook (1981) "[t]he practice of the Anglo-Indian law cannot be divorced from the political structure of the colonial state" (669). However, the two were projects in process, often contradicting each other. Yet, these two institutions were dialogically related. By examining colonial law, then, some important insights can be gained into the ways which the colonial state, especially as I have theorised it, was constituted. The legal code, as it was articulated, reflects how the project of the colonial state was being imagined.

This is evident in the case study of South Asia. To pick one brief example, James Fitzjames Stephen (1898), a famous law-maker in India, posits that the legal system under the despotic rule of the Muslims was necessarily 'evil'. It was only with the implementation of the British-inspired division between the judicial and executive functions of the state that India was able to escape such malevolence. Furthermore, such a separation is necessary, since it allows for the realisation of the main objective of good government: "to obtain as good a system for the administration of justice as is consistent with the maintenance of the British power in India" (17). Thus, for this influential legalist, law was essential for creating a 'good government'.

The standard history of British legal institutions in India began in 1691, with the Choultry Justices[176] (Francis 1906). For the next couple of centuries, most historical narratives tell that the British found a peculiar legal system. As Derrett (1968) argues, there existed rules by which Hindus were governed by Hindu laws and the Muslims were governed by Islamic ones. This was an arrangement, he maintains, that was introduced by the Mughals and was a standard Muslim imperial practice; furthermore, this was passed onto the British as a condition of their *zamindaris* rights to the region. In spite of this, the 'fundamental' law was Muslim; Muslims held seats of judicial power. This narrative was accepted by many, including the British themselves. As John Clunes writes, in his *An Historical Sketch of the Princes of India* (1833), "the Marquis Cornwallis conceived [the tranquillity of British India] to be attained only by abstaining from all interference with their internal administration, or mixing in their politics, considering it preferable, and more consonant to national dignity, to leave them to settle their own disputes" (17). The notion that the British merely continued to rule the populace by their own laws was ubiquitous in the writings of the eighteenth nineteenth century.

However, I argue that this stated desire to rule the 'Orientals' by their own laws was an ideology. As I argued in chapter six, part of this process of 'governing by their own laws', which I have called an ideology of 'Oriental' governance, involved understanding these so-called legal codes, which were articulated in various texts that were thought to be religious; in the words of James Mill (1826[1817]), "The standards of Hindu and Moslem law, by which, respectively, the rights of the Hindu and Mahomedan population were to be governed, were their sacred books; the Shasters and the Khoran" (v. 140). Through this social and linguistic translation, the past was constructed as something against which the British rule was compared and the people judged. This is captured by the words of Paolino da San Bartolomeo[177], a German traveller who's *A Voyage to the East Indies* (1800) states:

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[176] This is a position -- named after *Choultries*, or buildings used to house travellers and conduct public business -- in the early British administration in Madras that oversaw legal issues and the collection of customs (Yule & Burnell 2006[1903]).

> It, however, cannot be denied, that the arts and sciences in India have greatly declined since foreign conquerors expelled the native kings; by which several provinces have been laid entirely to waste, and the casts confounded with each other. Before that period, the different kingdoms were in a flourishing condition; the laws were respected, and justice and civil order prevailed: but, unfortunately, at present every thing in many of the provinces must give way to absolute authority and despotic sway. (268)

The despotism of the Muslims, compared to the progress of the Hindus, is implicated as something to be fixed, ostensibly by colonial law. Furthermore, the idea of Hindus whose ideal past was one governed by the order of castes is evident.

Others have argued that, after a period of non-interference, the British imposed their rules onto the people of South Asia. According to Benton (1999), this popular depiction, evident in the writings of not only Derrett, but Bernard Cohn, that the British legal code eventually overwhelmed the indigenous one, was not a simple process but one fraught with contradictions. As I discussed above, the colonialists were not homogenous in their support of colonial law; there was much discord on the nature of how they envisioned the legal transformations. One of the ways in which this conflict was articulated, I argue, was through debates between two depictions of law in South Asia: law as universalistic versus particularistic.

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[177] His original name was John Philip Wesdin before he entered the monastic order.

The conflict between those who sanctioned a particularistic view of the legal sphere and those who defended a universalistic[178] view became a dominant theme in the nineteenth century. The first of these positions maintained that there are various law codes that affect different people; that is, law did not equate to a single morality that needed to be imposed onto the people, but pointed to different cultural perspectives. Those who supported the particularistic notions of law asserted that each group was entitled to be governed by their own laws. Hindus were governed by several key texts, including the *Mitakshara*, *Dayabhaga*, *Dayakrama*, and *Vyavaharmayukh*, while Muslims were ruled by books such as the *Qur'an*, *Al Sirajiyah* and *Hedaya*. The other position was that there was a universal legal code; many legalists, writers, missionaries, and politicians called for a system of laws that governed all people equally. This ideology was manifested by the colonial articulation of a single legal principle that affects all people within the colonies equally. Such a code, in many cases, was based on a Christian morality. Thus, what I am calling a 'universal' is an ideology. In the end, colonial law is a particularistic legal system masquerading as a universal one. For example, several important works were published, championing a universalist perepective, most notably James Peggs' *India's Cries to British Humanity* (1830) and John Poynder's *Human Sacrifices in India* (1827), both of which criticised the British position on *sati*. By the late-1830s, Macaulay's nascent legal code -- which, in 1860, became the Indian Penal Code -- represented an important shift from a particularistic code to one that privileged universalistic ideals (see Paxton 1999 and Majeed 1992).

The conflict between these two 'viewpoints' were not simply based on differing opinions that various legal specialists held, but, instead, represented a fundamental contradiction in law. This contradiction can be captured by the Hobbesian metaphor of two swords: the Sword of Justice and the Sword of War. The first of these represents the state role of ensuring justice, while the latter denotes the state task of providing defence for the population. The former, then, is based on a philosophical principle of fairness and equity, which is contrasted by the second role that has governance as its goal. This contradiction can be thought of as the difference between the *ideal* versus the *practice* of the law; or, in Althusser's (1972) terms, the *typology* and the *history* of the totality that is the state. As the ideal of justice, which is often articulated in the inception of the law, is put into practice by a state that has governance as its goal, a contradiction ensues. This contradiction always has the ability to destroy the legitimacy of the colonial nation-state, rendering Empire into Ruin. Thus, the particularistic view of law is similar to the Sword of Justice, insofar as it attempts to apply bodies of law that justly relates to the different groups; justice is its goal. On the other hand, the universalistic perspective on law attempts to bring all under its jurisdiction, defending society from a set of ostensibly objectively immoral acts; defence is its goal. Like the Swords of Justice and War, these two viewpoints represent a fundamental contradiction in colonial law, which threatens to disrupt Empire.

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[178] It is important to realise that this is a value for which various writers argued; however, the paradox of such a claim is that any universalistic legal system must be particular in its historical specificity.

Given the difficult balancing act between Empire and Ruin (or the continued risk of the failure of the discursive architecture of Empire at each point in its articulation), especially as it rests on tenuous nodal points, it is vital that the balances be tipped towards Empire. In the case of the contradiction between the Sword of Justice and the Sword of War, this contradiction must be made invisible. To maintain Empire, it must be obfuscated. One point at which this masking of the contradiction takes place is with the act of constructing a moral aesthetic. By creating a visceral reaction to particular objects, particularly in terms of disgust or, as we will see in this chapter, shame, colonial representations of certain classes can transform the qualities of those classes that are being translated as morally unaesthetic into ones that inspire sentiments of injustice. For example, if sodomy can be constructed so that it calls forth feelings of disgust, then the governance of the practice can be placed in the realm of law without contradicting a sense of justice. That is, if the governance of such acts can successfully be translated to be just, then the Sword of War is hidden, making the contradiction between these two roles invisible.

It would be misleading to posit that the two perspectives were simply historically delineated; instead, the history of colonial law in nineteenth-century India is rife with this conflict between particularistic and universalistic viewpoints. First, the move to universalistic law was mostly in the area of criminal laws; as late as Act XXI of 1870, Hindu and Muslim texts were given authority as the basis for all inheritance law for the two groups (Lyon 1872). Furthermore, while the emphasis on the letter of the law was replaced by a concern with the practice, there was still attention to the particular customs, which defined parts of the legal code. In a court case in 1868, for instance, two British judges of the High Court embody this particularistic sentiment, when they state:

> The duty, therefore, of an European Judge who is under the obligation to administer Hindoo Law, is not so much to inquire whether a disputed doctrine is fairly deducible from the earliest authorities, as to ascertain whether it has been received by the particular School which governs the district with which he has to deal and has there been sanctioned by usage. For under the Hindoo system of law, clear proof of usage will outweigh the written text of the law. (The Collector of Madura versus Muttu Ramalinga Satthupathy *et al.*, 21 May 1868, in Sutherland 1869: x, 21)

In determining this case, the judges continued to privilege such Orientalists as Henry Colebrooke and Thomas Strange, whose importance was discussed in chapter six, as authoritative.

It is within this context that I now turn to colonial legal codes that legislated eunuchs. In this chapter, I will explore the laws that affected eunuchs, beginning with ones regulating castration, sodomy, and begging before 1871. Through this discussion, I will demonstrate how the *hijra* were not consistently linked to various attributes. Furthermore, the notion of criminality -- evident in the changing relationship between custom and law, not to mention the differential representation of certain actions in terms of their criminality -- was in flux during this early nineteenth-century period. Also, within these legal codes, it is apparent that the administrators and legislators are attempting to construct a particular community, one that is invented along a moral axis. A significant change, however, took place in 1871 with the introduction of a law that dealt specifically with *hijras*: Act XXVII of 1871. By exploring this piece of legislation, I will argue that the category of the *hijra* was becoming increasingly associated with sodomy, castration, kidnapping, and transvestism; that is, what it is meant to be *hijra* was becoming stabilised through this Act. In fact, it is through this Act that various rights are denied the *hijra* based on their connection with these characteristics. Furthermore, other classes of persons, some only tangentially related to the *hijra*, were increasingly being subsumed under this Act, thereby collapsing categories of difference -- most often sexual difference -- into one, under the class of the *hijra*.

## Legislation on Eunuchs Previous to 1871

There were three main types of legislation that affected eunuchs prior to 1871 (this date represented a key point of change, since it was then that the Eunuch Act, the topic of the next section, was passed): anti-castration, anti-sodomy, and revenue laws. Through these laws, several general themes emerge. First, there is an increasing legal gaze being directed to the *hijra*. Throughout the first half and part of the second half of the nineteenth century, there was a growing concern with the *hijra* as a legal concern, which culminated in 1871. The nature of this concern, however, was not consistent. At some points (the 1830s), the *hijra* were under the watchful stare of the legal institutions for begging, while other times it was for castration (the 1820s). Second, then, the characteristics associated with the *hijra* were not consistently present during this pre-1870 period. At some times sodomy was associated with the *hijra*, especially in the 1850s, while at other times, most notably in the 1820s and 1830s, it was not represented as a necessary characteristic.

In the first of these series of legislative acts, however, some specific themes emerge. For instance, these laws on castration represented a link between Islam and eunuchs, especially in terms of the immorality of the former. However, through the nineteenth century, the Cryptocrystalline Orientalist discourse was replaced by a more general reference to indigenous practice, which included Hindus in the category of immorality. Furthermore, changes in these laws demonstrate the move between a particularistic view of law to a universalistic one, a movement that is characteristic of the contradiction of law. In this context, the tensions between the ideology of 'Oriental' governance and the desire to govern become evident and drive much of the discussions surrounding these laws.

As I will explicate in the following pages, the anti-sodomy legislation is significant for several reasons. Through an examination of the laws and the discussion around their application, it is clear that the *hijras* were not viewed of as sodomites in the early nineteenth century. It was not until later did such an association become established. Furthermore, the series of acts evoked an invented community that these laws were designed to govern; specifically, the governed body was a heterosexual community. In fact, these legal codes were attempts to govern sexuality. In the context of containing this 'perverse' sexuality, connections between sodomy and Islam were made by various legal writers, conjuring up Orientalist visions of India.

Finally, the last statute deals with grants of land or revenue that were given to the *hijra* by the previous Muslim state. As we will see, these property rights were revoked because of perceived breaches to decency committed by the *hijra*. Through an examination of the narratives of the application of this legislation, several themes become evident. Not only were the *hijra* not always linked with sodomy, but the indecency with which they were charged stemmed from their begging and ostensible extortion; this representation of this class of persons was used to depict the 'natives' as immoral and in need of governance. Despite their revulsion of the *hijra*, there was a desire to avoid impoverishing them. Furthermore, such breaches to propriety were used to portray the previous government as morally lax. Yet, through scrutinising these narratives, a tension becomes evident: in order to make this practice illegal, the British made illegal both local custom and the very texts that they championed as representative of indigenous laws. Consequently, the contradiction between the ideology of 'Oriental' self rule and the colonial desire to govern is once again articulated. Finally, these accounts demonstrate that it was the embodiment of the castrati that repulsed the British, and not the criminality of the procedure, which connects these legal works to the suturing of the gender regimes discussed in chapter six.

***Penile Codes***

One of the first series of laws prior to 1871 that affected the *hijra* was one that criminalised castration. The first such anti-castration legislation was penned on April 27, 1796, by the *Nizamut Adawlut*[179], the chief criminal court in British India. This Circular Order, the fourth of 1796, acknowledged the "practice has prevailed, of purchasing young slaves for the purpose of making Eunuchs of them, to be afterwards again disposed of by sale" (Cheap 1846[1796]). According to the Order, law officers were consulted to determine whether this practice was sanctioned by Muslim law, because, since the Court attempted to legislate a legal framework that supported indigenous law, such a determination would define the Court's position on the matter. It was resolved that:

> the right of mastership over his slave, is not forfeited by making such slave an Eunuch, either under the Mussulman or Hindoo law; but that the castration of any person, whether a slave or otherwise, is held criminal and punishable by the Mahomedan law. (Cheap 1846[1796]: 2)

Thus, only those who castrate others were liable to prosecution, but those who kept eunuchs were not punishable by the law. The logic behind this decree is "to discourage and prevent ... the cruel and detestable practice" (2) of castration. However, in spite of this Order, the criminalisation of the practice was not widely known in the courts of British India. On December 1st 1817, in another Circular Order sent out by the *Nizamut Adawlut*, the Court mentioned the case of two people who were arrested for the castration of a child. According to the narrative of the trial, after they pleaded with the Court that "this offence 'had never been expressly prohibited by the British Government'" (Cheap 1846[1817]: 89), the local court requested instruction from the *Nizamut Adawlut*. At this point, the 1796 Circular Order was extended to cover the rest of the 'ceding and conquered provinces' of British India.

This law was brought to bear on the *hijras* explicitly as early as 1827. On the 31st of March of this year, a case came before the *Nizamut Adawlut* of the

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[179] This court, originally set up by the Muslim predecessors to the British, interpreted what it thought was indigenous laws, so, while it did not pass laws *per se*, it held a great deal of legislative influence.

Government against Tahir Mahomed, in which a man was accused of killing another -- Nundoo Heejra -- by castration (Macnaughten 1827). The accused, however, stated that the deceased had requested of him to perform the castration and therefore should not be held legally responsible for the unfortunate consequences. While the local court had originally sentenced the accused to death for wilful murder, the ruling judge decided to send it to the chief criminal court. The reasons that he decided to do so was because the accused evidenced "ignorance of the criminality of the act, which it was clear had been done at the particular desire of the deceased, and the absence of all criminal intention on his part" (Macnaughten 1827: 17). The judges of the *Nizamut Adawlut* opposed this initial ruling, instead choosing that he was liable to *tazeer* (*ta'zir*, or discretionary punishment[180]). They supported the defence of the accused, arguing that the crime did not evidence criminal intent or exceed culpable homicide. In fact, one judge asserted that the accused should be discharged, since the performance of the operation "was not unusual among hermaphrodites[181]" (17). After the three judges of the chief criminal court ruled, though, the accused was sentenced to two years imprisonment for culpable homicide.

This legislation and the subsequent court cases represent castration as an evil that must be stomped out, but one that, due to its connection with the culture of Islam, still had a place in the legal system. That is, the immorality of the act was secondary to its legitimacy in the eyes of the colonial Other. In other words, while those of the legal system presented articulations of the Cryptocrystalline Orientalist discourse, such arguments were deemed to be less relevant than supporting an ideology of 'Oriental' governance. The particularistic vision of law, which upheld notions of native self-rule, held greater esteem in the legal system than the universalistic model. This is particularly well captured in the depiction of the *hijra*. In the previous court case, the *hijra* were spoken of in tolerant terms and their practices of castration were accepted as a custom.

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[180] *Ta'zir*, which means 'to punish', is contrasted with *Hadd*, which refers to the 'limit'. Whereas *Hadd* is a type of punishment that is authorised by religious jurisprudence, as can be found in the *Qu'ran* or the *Hadith*, and therefore has strict terms that must be met, *Ta'zir* is discretionary insofar as the punishment is to be decided upon by the secular figure of the judge or state-leader. According to Asma Jahangir's and Hina Jilani's *The Hudood Ordinances: A Divine Sanction?*, "The significance of the *Hadd* category is that it delineates immutable sentences: *Tazir* serves only as a safety net in case the accused is not convicted under *Hadd*" (Suleri 1992: 767).

[181] For the link between hermaphrodites and castration, see chapter five.

As early as 1843, the legislation against castration was included under the larger heading of 'maiming'. The legal injunction stated: "Any person convicted of having unlawfully and maliciously intended to wound, maim or otherwise do corporal injury to one person, and have in the prosecution of such Criminal intent, wounded, maimed, or otherwise injured, another person" (Skipwith 1843: 98). With this change, the punishment for the crime changed from *ta'zir* to something more concrete: a punishment just short of death. Yet, even as late as 1852, there was a push to make the penalty for the crime greater. According to A. W. Begbie, judge of the *Nizamut Adawlut*, in a case of castration on the 6th November, 1852:

> Castration, even of a slave, is punishable under the Mahommedan law, and, when it is effected for so vile a purpose, no penalty too severe for the offence could be enacted. It would be easy to pass a law rendering it a high misdemeanour in any person ascertained to by concerned in carrying on this infamous traffick, the existence of which is generally known, although I fear connived at, by the native community. (*Decisions of the Nizamut Adawlut, North-Western Provinces* 1853: 1318)

Instead of respecting the indigenous custom of castration, as was evident by the judge in the 1827 case, this legalist voiced an opinion that the custom must be changed and that the community that supports it must be opposed. That is, the particularistic model of governance was being replaced by a universalistic one.

This sentiment is further captured in a court case from the 11th December, 1858. In this case, the original British judge of Baugulpore whose ruling preceded that of the *Nizamut Adawlut* states:

> No extravagant tyranny is too gross to be endured by native society, as long as the actors cunningly band themselves together for such purposes, under a mask, however flimsy, turning customs into screens for whatever may be most vile, in the present degraded state of native society, and in course of time progressing onward from bad to worse, to which even the otherwise ungovernable caste-barrier gives way, and troops of Hindoo children under guise of slaves or Eunuchs become Mahomedans. (*Reports of Cases Determined in the Court of Nizamut Adawlut* 1859: 548)

This passage captures the Cryptocrystalline Orientalist themes in the British judge's ruling, especially the connection between Islam, tyranny, and slavery. Also, it demonstrates how the passive Hindu, a representation that is connected to eunuchs in the accounts of many British writers, is constructed in relation to the aggressive and enslaving Muslims. Further, this judge decried that the Circular Order of 1796 "remained a dead letter for want of prosecution" (*Reports of Cases Determined in the Court of Nizamut Adawlut* 1859: 549). The judges of the *Nizamut Adawlut*, upon hearing the case, ordered that the Circular Order once again be sent to the police. Also, they noted that part of the problem in the maintenance of this judicial command was that it was not published in the 1855 edition of the list of active Circular Orders, an error that did not reflect the force of the law.

While the tone of the original judge -- one that invoked a desire to strip away the 'screens' of the customs that allowed immoralities -- was not repeated by the judges of the *Nizamut Adawlut*, it was voiced by an Officiating Magistrate of Monghyr, a town in Bengal, in a letter dated the 26th of July, 1858. This official connected the allowing of castration to the acceptance of slavery and called for the end of such tolerance. Significantly, he called for an end of the indigenous legal system:

> I cannot help respectfully submitting, that in my humble opinion, it is impossible for any administration to be properly conducted which has for its basis a code composed of Hindoo, Mahomedan and English laws, the principles of these three codes are so opposed to each other that they have never worked well and never can.[182]

Both of the claims of these lower level magistrates reflect a desire to push the British law to supersede indigenous culture. With this appeal comes a corresponding change in the nature of citizenship. No longer would the people under the British government be free to invoke a particular embodiment of masculinity -- that of the castrati -- but, instead, would be compelled to submit to another form, one that is can only be understood in terms of having a penis. In this way, the values of South Asian milieu, as evidenced in the ostensibly 'native' laws, were replaced by the objective rules of the British.

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[182] Letter from Officiating Magistrate of Monghyr to the Sessions Judge of Bhaugulpore, dated on the 26th of July, 1858 (*Reports of Cases Determined in the Court of Nizamut Adawlut [Bengal], for 1858* 1859).

The next legal moment that affected castration was in 1860, when the criminal system of India was formalised and centralised under the Indian Penal Code, a set of laws that was created by Thomas Babington Macaulay. It did not come into effect until 1862. Not only was the *Nizamut Adawlut* replaced by the High Court, but the laws themselves were rewritten. Unlike the previous judicial system, these laws applied to each person in British India equally, regardless of their religion; that is, even though they still drew on Hindu and Muslim legal thought, there was no longer separate criminal laws for Hindus and Muslims.

This is significant for many reasons, the most important of which to me is that it demonstrates the institutionalisation of a universalistic model of law from a more particularistic one. First, this law applied to all people equally, allowing the legal sphere to take on qualities of objectivity. Under such a system, indigenous customs were still valued, but were secondary to the Indian Penal Code. Second, Macaulay himself is a significant figure. As the father of the highly influential 1835 'Minute on Education'[183], Macaulay's assertions that, while South Asians are biologically Indian, they should be morally and attitudinally British, demonstrate the logic behind his penning of the Indian Penal Code: the British morality is superior to that of the 'natives', and should therefore be imposed onto them. The crisis in the ideology of 'Oriental' rule, implicit in the move from a particularistic vision of law to a universalistic one, was therefore side-stepped by making criminal law the realm of universalistic governance (with the ideal behaviour being that of the British), while allowing other non-criminal laws to continue to follow ostensibly native customs; that is, the contradiction inherent in law was sutured by dealing with different legal issues in different ways. Defining certain behaviours as criminal, then, became the way to include specific conduct under the jurisdiction of the universalistic gaze of law.

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[183] This represents a moment that many have argued represented a change from 'policies of coercive isolationism' to 'policies of coercive integration' (Cutts 1953; Majeed 1992; Paxton 1999; Stokes 1959; van der Veer 2001; Viswanathan 1997).

Relevant for castration is a group of sections in the Indian Penal Code, numbering from 320 to 335, which legislate against grievous hurt[184], which includes emasculation. In the discussions that preceded the institutionalisation of this code, beginning in 1837[185], there was very little disagreement over the inclusion of these sections as they relate to castration. Furthermore, the Indian Penal Code specifically does not allow a legal guardian to castrate a child, even if it is to be done in 'good faith', since such an act is not to avoid death (Macaulay *et al.* 1838). In the 1837 discussions of the code, the authors make it explicit that they are legislating against "most cruel mutilations on their male children" (Macaulay *et al.* 1838: 81). In this way, the legislators who were constructing this legal code were calling for an objective ruling to override parents who are following certain customs, such as castration; the objective British law is to supersede indigenous culture. The so-called traditions, however, are no longer simply associated with Islam, but are, through the scope of the law, linked with the Hindus. This reasoning became established in the 1860 Penal Code.

Thus, the history of anti-castration law in South Asia involves an association with Islam, especially depictions of Islam, which I have termed as Cryptocrystalline Orientalist ones. Eventually, this connection was also attached to the supposed immoral culture of the Hindus. Furthermore, this history demonstrates how a contradiction inherent in law, between the Sword of War and the Sword of Justice, captured in the particularistic model and the universalistic model of law, were sutured. Such a transformation represented a crisis in the ideology of 'native' governance, which the Indian Penal Code resolved, by locating certain types of behaviours -- ones that the British defined as immoral -- in the realm of criminal law, and therefore under jurisdiction of the Code.

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[184] These sections drew on a similar portion of the French Penal Code.

[185] While this draft was submitted to the Governor-General of India Council, and was revised in two parts in 1846 and 1847, it "never saw the light of the day" until 1856, when it was revised (*The Indian Penal Code* 2006: 1). It was not until after the 1857 Rebellion that it was included as an Act. In fact, as David Skuy (1998) recounts, in addition to the legal changes taking place in England,"[t]he 1857 Rebellion is generally seen as the principal catalyst for the passage of the Indian Penal Code and the codification period in general" (553).

### *Anti-Sodomy Legislation*

Another series of laws that had a direct affect on the *hijra* were ones that legislated against sodomy. This body of legislation is significant for understanding the *hijra* for several reasons. First, an examination of cases dealing with anti-sodomy codes demonstrates that the *hijra* were not always depicted as sodomites. In fact, it was not until the 1850s that this characteristic became attached to this class. Second, these laws evoke an imagined community that is defined in contrast with people such as the *hijra*. Consequently, the *hijra* becomes constructed as the Other against which the ideal citizen is defined.

Originally, the British-orchestrated legal system followed the Muslim legal code in criminalising sodomy, especially in the following laws: Regulation LIII of 1803[186]; Regulation XVII of 1817 (Skipwith 1843); and Regulation XII of 1834 (Skipwith 1843). As punishment for sodomy, the guilty party was subject to the same punishment as whoredom, which was *hudd* (*hadd*, or a punishment that is sanctioned by religion). However, if the strict conditions for *hudd* were not met, the crime then fell under the category of *tazeer* (albeit one that was under the discretion of the British judges of the *Nizamut Adawlut*). For example, in the court case, Gobind Bhutt versus Bheekum Bhutt on the 24th of June, 1812 (Macnaughten 1827), the judges, who did not find the necessary conditions for such a *hudd* sentence present, invoked a *tazeer* punishment, sentencing the accused to "stripes, imprisonment and public exposure" (235). Such an alternative punishment was eventually institutionalised in the colony in later law (Skipwith 1843). The laws against sodomy, then, explicitly owed their existence to Muslim law. Consequently, such articulations against sodomy in these legal codes represent a particularistic vision of law, where the criminalisation of the act is framed within a local context.

However, this is not to say that the British took up a local custom that stood in contrast with British tradition. Instead, the criminalisation of sodomy existed in England well before its articulation in the colonies. Part of the reason for this is the "salutary horror" (Dubois 1906[1897]: 311) with which the European looked upon such activity. Such a horror can be seen in the numbers of prosecutions of sodomy in England between 1780s and 1850s. While anti-sodomy laws had been in effect in England since 1533 -- The Buggery Act, passed by Henry VIII -- as a civil crime and since 1562 as a criminal offence (Hitchcock 1997), there was an "unprecedented number of prosecutions and the gradual expansion of police jurisdiction" during the early nineteenth century (Cocks 2003: 7). In fact, in 1826, sodomy, in England, was made a capital offence under the Offenses Against the Person Act (Bhaskaran 2004); the nineteenth century has been understood as a period of great fear around sodomy (Edsall 2003; Greenberg 1988; Laqueur 1990; Weeks 1989). These legal statutes in England are a site in which the moral aesthetic and law intersected; it this point of intersection that was translated into the colonial context with the privileging of these Muslim anti-sodomy laws.

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[186] This is evident in an Extract of a letter from the Register of the Nizamut Adawlut, to the Bareilly Court of Circuit, 9th May 1823 (*The Constructions of the Regulations and Acts, Issued by the Court of Sudder Nizamut Adawlut* 1855).

Despite the fact that the British administrators drew on Muslim anti-sodomy law, they still participated in a Cryptocrystalline Orientalist discourse that linked sodomy with Islam in such a way as to enable the idea of colonial governance. As Nabil Matar (1999) argues, sodomy was connected to Islam through associations of the practice with an immorality that legitimated destruction, conversion, and domination[187], as well as a conception of the debauchery of the upper classes[188]; these linkages all posit sodomy as a key point in the legitimacy of a non-Muslim nation-state. That is, through representing the Muslims Other as sodomites, in the British imaginary, the construction of a colonial nation-state to replace their debauched and despotic government is not only legitimate, but morally necessary. In fact, the presence of anti-sodomy legislation did not change this depiction of the sodomical Muslim. In fact, I would argue, it discursively connected Muslims to sodomy, insofar as the relationship between the two was rearticulated in most court cases dealing with the crime.

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[187] Some have argued that this representation not only legitimated the punishment of Muslims as those who defied God, nature, and English law, but also demarcated them as different. Indeed, Scottish and English writers linked sodomy to Islamic theology in an effort to explain it (Matar 1999).

[188] It is often through their connection with this aspect that those of the Muslim court were constructed as degenerate sodomites (Matar 1999).

The link between the *hijra* and sodomy was not always present. In one court case (the Government against Pimmee, Khodabuksh, and Amanee, on the 3rd of October, 1820), three men were tried for committing sodomy -- an 'unnatural crime' -- during a burglary (Macnaughten 1827). However, the original law officer of the case and the presiding judge of the superior Court both found Amanee, a eunuch and professional burglar, innocent of the sodomy charge, since he could not have engaged in the act. Yet, the link between the *hijra* and sodomy was not completely absent. In an 1836 letter from a magistrate of Pune to the principal collector in Pune, the younger members of the *hijra* were linked with activities "too revolting to be mentioned"[189]; however, the larger *hijra* community was not associated with such practices. Then, in the 1850s, a flurry of court cases linked the *hijra* to this custom[190]. After the 1850s, this group was inextricably connected to sodomical activities in the colonial imaginary. Given the larger connections of sodomy to governance (not to mention Islam), the establishment of this attribute depicts the *hijra* as a class that must be governed.

Sodomy was explicitly criminalised in the Indian Penal Code in 1860. However, in the 1837 discussion of the Bill that became the Act, it was clear that the reason that sodomy was defined as against the law was because of moral objections. That is, it was not made illegal because of perceived medical risks, or any other factors. In fact, the legislators originally refused even to discuss the issue in the legal code, instead criminalising the touching of people and animals in order to satiate some form of "unnatural lust" (Macaulay *et al.* 1838). The reason for this proposed silence was because:

> we are decidedly of opinion that the injury which would be done to the morals of the community by such discussion would far more

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[189] P.A.: XIV; 8/94. Letter from H. R. Goldsmid, Assistant Collector and Magistrate of Zillah Poona, to R. Mills, Principal Collector Poona (7th June 1836).

[190] The Government *versus* Ali Buksh, on the 6th November 1852 (*Decisions of the Nizamut Adawlut, North-Western Provinces* 1853); The Government and Buddhuah versus Edun *et al.*, on the 11th December 1858 (*Reports of Cases Determined in the Court of Nizamut Adawlut [Bengal]for 1858* 1859).

> than compensate for any benefits which might be derived from legislative measures framed with the greatest precision. (117)

Later, in the Report on the Penal Code by the Indian Law Commissioners on the 23rd of July, 1846, there was continued discussion on whether a passage referring to sodomy should be included (Cameron & Elliott 1888). To support the exclusion of this section, Colonel Sleeman states that "in three years only six cases [of sodomy] came before the Nizamut Adawlut at Calcutta" (291). Even though, when the Indian Penal Code was finally legislated, sodomy was elaborated, I think that it is important to note that it was despised because it violated morality in a way that was thought to shake the very foundation of an invented community; since sodomy was often attributed as a quality of the Asiatic peoples (most notably Muslims), the community that is being evoked is not one that is connected with the indigenous people. In other words, the invoked community is a desired one, an invented sociality that evokes that of a moral heterosexual collective. The social order was reorganised so that its hierarchy was a moral one, one which mirrored the moral aesthetic. That is, the nation that was being imagined was one that had a particular morality and, subtly, aesthetic.

An investigation of the anti-sodomy laws, then, serves to demonstrate how the *hijra* were gradually connected to sodomy, with its links to governance. Furthermore, insofar as the articulations of sodomy behind the discussions of, and evoked through, the anti-sodomy legislation constructed an invented community, having attributes of perceived morality and heterosexuality, the *hijra* were counter to this social aggregate. Insofar as this invented community was given precedence over its Other -- in this case, the *hijra*, especially with their discursive associations with Islam -- in legal discourse, the *hijra* become the opposite to the imagined citizen of this community.

### *Revenue Acts*

The final legal statute[191] that affected the *hijra* prior to 1871 was one that did not deal with criminal activities, but with revenue. Act XI of 1852 -- or An

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[191] I am indebted to Lawrence Preston (1987) for paving the way for my research on this topic; his excellent referencing made possible my own archival research.

Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay -- was an amendment to Rules 1 and 2 of the 2nd Division of the Government Rules of the 23rd of June, 1842[192] and allowed persons to collect hereditary monies (*inams, vatans*, or *huks*) "provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency"[193]. This Act regulated those *hijra* who held *sunnuds* (or *sanads*, the warrant granting a person or persons heritable rights), denying them the government-sanctioned ability to beg from people of the community. Even though some protested this legislation[194], they were denied[195].

This Act is important to understanding how the *hijra* were represented. It captures the dynamic construction of this class as: sodomites; castrati; and people who, because of their lack of decency, should be excluded from certain rights previously granted under local custom and textual traditions, both of which the British administrators, in other contexts, support. Yet, in spite of the evidence of such repugnance, the legalists did not want to remove the *hijra*'s ability to provide for themselves; this last point stands in contrast with developments that I will discuss in the section following this one.

In discussing of the role of the *hijra* in this Act, A. Malet, Chief Secretary to Government, composed a Resolution of the Government[196] that explicitly evoked a series of communications in the 1830s as evidence for the necessity of this Act. The *hijras* in these correspondences were described in familiar ways: as detestable, revolting, and disgusting[197]. Yet, contrasting with how they will come to be represented in the 1850s, these earlier descriptions do not apply to their sodomical practices, but their extortive activities. According to a Proclamation from H. E. Goldsmid, Assistant Principal Collector and Magistrate, *hijras* (or Hijeras) were to be denied alms that they gained by "extorting money by fear of lifting its Loogra or endeavour to obtain money from such as are impotent"[198]. Furthermore, the official announcement explicitly stated that the government did not support the practice of supporting the heritable right to such alms. Goldsmid, in a letter to the Principal Collector for Pune[199], rearticulated this depiction of the group; the power that they held over others, which enabled their extortive practices, was the ability to detect impotence, with which they would shame others into giving money. Of course, as Preston (1987) points out, the *hijra* were still associated with sodomy[200]; however, as these accounts make evident, it was their begging that invoked outrage of the colonial authorities, more than their alleged 'unnatural' practices. In other words, at the time of these correspondences (the 1830s), the *hijra* were not synonymous with sodomites; their sodomical practices, it seemed, were not even a significant aspect of their representation.

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[192] P.A. XIV; 8/97. Circular No. 6124 of 1852 -- Amended Rules of 1842 (20th September 1852).

[193] P.A. XIV; 8/97. Schedule B, Act No. XI of 1852.

[194] P.A.: XIV; 8/94. Petition from Rajoobhaee Wullud Mahomed and Bappoo Wallud Ramaykhan Moodhay to the Right Hon'ble the Governor in Council, dated 26th May and received 1st June 1853 (20th June 1853).

[195] P.A.: XIV; 8/94. Report from Thomas Ogilvy, Commissioner of Satara, to Government (28th July 1853).

[196] P.A.: XIV; 8/94. Resolution of Government passed by Government (26th August 1853).

[197] P.A.: XIV; 8/94. Extract Paras: 1 and 5 of a Letter from the Revenue Commissioner (20th August 1836).

This representation of the *hijra* as extortionists was important insofar as it voiced a particular aesthetic: shame. By redeploying the pre-existing social category of shame, the British took an ostensibly indigenous aesthetic and used it in such a way as to justify their political regime, one that sought to put an end to these humiliating practices. Through this judicial application of the notion of 'shame', the contradictions in law, between the Hobbesian Swords of Justice and War, become erased. Once the ostensible transgressions of the *hijra* are understood in terms of shameful acts, law seems to lose its repressive quality and, instead, only has one of righteousness. Consequently, the use of shame serves to preserve the colonial moral authority.

Furthermore, this articulated desire to discontinue the practices of the previous government is significant. As discussed at length in chapter six, the British maintained an ideology of 'Oriental' rule, in which they privileged the culture of the 'natives'. However, they contradicted this ubiquitous ideology in order to depict the previous Islamic government as tolerant of such 'abominable practices' and, therefore, immoral. The British did so by challenging two sources of 'culture', which were local customs and ostensibly religious law-books. First, the colonial administrators went against their own definitions of 'custom' in their decision to no longer honour these *inams*. Even though some of the *hijra* had lineages that had seen official *sunnuds* being passed down for as long as 87 years[201], these mortgages were considered to be invalid. In fact, even the officials acknowledged that the "succession through the lineages of disciples has been generally acknowledged as regards the class of Hijras"[202], and thus the conditions for being a 'custom' in the eyes of the British legalists have been established[203].

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[198] P.A.: XIV; 8/94. Translation of Proclamation from H. E. Goldsmid, Assistant Principal Collector and Magistrate (1st June 1836).

[199] P.A.: XIV; 8/94. Letter from H. R. Goldsmid, Assistant Collector and Magistrate of Zillah Poona, to R. Mills, Principal Collector Poona (7th June 1836).

[200] P.A.: XIV; 8/94. Letter from H. R. Goldsmid, Assistant Collector and Magistrate of Zillah Poona, to R. Mills, Principal Collector Poona (7th June 1836). P.A.: XIV; 8/94. Letter from R. D. Luard, Acting Sub Collector, to Richard Mills, Principal Collector, Poonah (14th November 1836).

Second, their decision to cancel these *inams* went against the books that the colonial regime had privileged as authoritative. The law-books that were thought to include reference to the necessity of the maintenance of eunuchs (in this case, *klibas*[204]) were many: the *Baudhayanasmriti* (2.3.37-38); the *Gautamasmriti* (28.43); the *Manusmriti* (9.202); the *Vasisthasmriti* (17.54); the *Vishnusmriti* (15.33); and the *Yajnavalkyasmriti* (2.143). In fact, not only were several texts that were explicitly used to develop laws that were in place in British India -- including the *Dayabhaga* (5.10-12; 10.1-5), the *Dayakramasangraha* (3.10, 3.16), the *Mitakshara* (10.1; 10.5), and the *Vyavaharamayukha* (4.11.9-10) -- translated to legislate the maintenance of *klibas*, but several commentaries on the law included this requirement (Colebrooke 1874[1796]; Macnaghten 1828; Mayne 1953[1878][205]). This is significant because it demonstrates how the legal precedents provided by indigenous sources were often ignored so that the goals of the British -- in this case, depicting the previous regime as unethical, shameful, and, therefore, unable to govern -- could be realised[206].

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[201] M.A..: R.A. 1844; 74/837. Letter from Richard Spooner, Acting Collector, to D. Blane, Revenue Commissioner of Southern Division (7th May 1844).

[202] M.A.: R.A. 1844; 74/837. Extract paras 101 to 105 of Revenue Letter to the Hon'ble Court of Directors (22nd March 1845).

[203] In the words of the judges of the High Court: "A custom is a rule which in a particular family or a particular district has from a long usage obtained the force of law" (Woodman 1887: 2216).

[204] Except for a misquote by Mayne (1953[1878]) in which he links maintenance with the *shandha*, all of the texts link maintenance with *kliba* only.

[205] Mayne even connects the necessity of maintaining *klibas* in the *Abastambasmriti* (2.6.14.1.15) and *shandhas* in the *Naradasmriti* (13.21), even though these texts only state that these figures cannot inherit; they say nothing about maintenance.

According to the official correspondences, the immorality of this group, which served as their debarment from holding *inams*, was not just an isolated incident. Instead, it was representative of the larger community. In the words of R. D. Luard, Acting Sub-Collector, to Richard Mills, Principal Collector for Pune:

> It is lamentable to think we are living amongst people who look upon Infanticide[,] Suttees[,] Tuggee and Hijiras without apparently a feeling of horror, but we also know by experience that they resign these ancient practices, with apathy and it is a question well worthy of consideration whether measures of a general nature might not be taken to prevent the practices of becoming Hijras.[207]

By connecting the *hijras* to the immoralities such as infanticide, *sati*, and *thuggees*, Luard evokes a universalistic notion of law. Furthermore, through such an association, the *hijra* become a figure by which to imply an Othering of the Indian populace. In the British imagination, then, the *hijra* symbolise the immoralities of Indian society, depravities that necessitate the involvement of the colonial state.

After Act XI of 1852 was passed, the *hijra* lost their right to beg. However, some colonial administrators recognised that there was a problem with this: effectively, this regulation was impoverishing this group. In 1854, John Nugent Rose, Collector of Sattara, argued that: "as their chief source of livelihood has been prohibited, I think the Inams and money allowances they have so long enjoyed, and which are of insignificant amount, might be continued during the lives of incumbents"[208]. In his reply to Rose, Manson disagreed; he noted that, even though begging might be an invaluable source of revenue for the *hijra*, their very existence represented a breach of public decency:

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[206] This can be seen in the last chapter, in my discussion of the representation of eunuchs and the role of 'disability' in the Indian censuses.

[207] P.A.: XIV; 8/94. Letter from R. D. Luard, Acting Sub Collector, to Richard Mills, Principal Collector, Poonah (14th November 1836).

[208] P.A.: XIII; 1040/75. Letter from J. N. Rose, Collector of Sattara, to C. E. Fraser Tytler, Officiating Secretary to Government, Bombay (28th November 1854).

> I was of the opinion, and still think, that the very fact of a man transforming himself into a Hijera and appearing in public in the garb of a woman should be held to constitute a breach of condition i.e. such a breach of morality and of the Rules of public decency as to justify the present Government in at once with-holding their countenance and active support of the institution.[209]

Because of Rose's initial intervention, the legislators decided to allow the *hijras* to continue to hold their heritable rights, but, once the *hijra* died, such *sunnuds* would not be passed down to their disciples. This compassion stands in marked contrast to the discourse around the *hijra* in a later piece of legislation, which I will discuss in the following section. Suffice to say that this considerate attitude was soon to be replaced by one that called for the extermination of this group, a significant transformation.

However, Manson's reply to Rose's call for understanding is interesting, since it articulates a common theme in many of the conversations that made up this debate: it is the castration (i.e., the 'transforming himself into a *hijra*') that also underlies much of the repugnance with which the British viewed this group. Certainly, their extortive practices received much attention and generated significant disgust. Yet, implicit in many of the writings was an abhorrence for the embodiment of these persons. In spite of this, it was not the criminality of castration that was evoked as a breach of public decency. Drawing on arguments that I made in chapter five and six, I assert that part of the reason for this is that this embodiment challenged the two-gender regime they were translating onto the indigenous context; such repugnance represented a discomfort in this deviant category of bodily difference.

Through these three series of laws, the representation of the *hijra* changed. It moved from being a tolerated, if not reviled (for a variety of reasons, including deviation from preferred embodiment) figure who was castrated and variably associated with sodomy in the early nineteenth century, to one whose nature -- albeit a constructed, but still somewhat inconsistent, one -- represented an increasingly criminal one, which demanded better governance in the mid-nineteenth century. Certainly, emasculation and 'unnatural intercourse' were unlawful, but their connection to the *hijra* was not yet established. Yet, in spite of this change, there was still some concern over the well-being of this class of people; it could be argued that they were still citizens of the British Empire and thus were owed certain, but limited, attention. Furthermore, an examination of these sets of laws demonstrates how the contradictions inherent in the law, evident in the changes from a particularistic vision to one that was more universalistic, were articulated in practice; these laws represent an attempt to make the contradiction invisible, thereby allowing the illusion of a coherent colonial nation-state to crystallise. Finally, these investigations illustrate how the *hijra* were attached to a Cryptocrystalline Orientalist discourse, especially through connections to Islam, immorality, and, eventually, the 'native' community. In fact, just as the Oriental of the colonial imaginary evoked the need for a legitimate rule, the *hijra* was constructed as the Other to an imagined community, one that had an imagined moral heterosexual at its basis. In order to explore why this period was so important for constructions of criminality, I want to turn now to a particularly relevant statute.

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[209] P.A.: XIV; 9/132. Letter from C. J. Manson, Inam Commissioner, to J. N. Rose, Collector of Sattara (20th December 1854).

## Part II of Act XXVII of 1871 – The Eunuch Act

These various threads, all of which affected the *hijra* in various ways, were brought together with the implementation of Part II of Act XXVII of 1871, which was generally known as the Eunuch Act. In this section, I will explore the history of the Act, focusing on the stated reasons for its emergence. Through this examination, I will argue that the impetus for the Act came from a moral panic. Furthermore, the court cases of the 1850s that served as a reflective basis for this panic evidence that, while the *hijra* were depicted as sodomitical transvestites who were involved as prostitutes and entertainers, the connection between kidnapping and subsequent castration of children was not established at this early point. The narratives of these trials also demonstrate how the *hijra* were being subtly linked to Cryptocrystalline Orientalism and indigenous immorality, especially through the tropes of slavery and religion, and serve to illuminate how the tension between the ideology of 'Oriental' rule and that of colonial governance based on universalistic notions was resolved, with the dominance of the latter. Furthermore, this legislation created a hierarchy of value through the continued construction of a moral aesthetic, one which places the eunuch at one end and the ideal citizen (partially envisioned as the innocent child) at the other. After the initial decade of the Act's emergence, interest dropped; while it remained on the books until 1911, after 1880, very little discussion was directed to it.

I will also investigate several themes that emerge in the Act. As Eunuchs[210] were increasingly connected to the practice of kidnapping children, the semiotics of the practice in the British imaginary -- one of slavery and Orientalism -- became further attached to the Eunuchs, to the point that, unlike the tolerance demonstrated in the discussions around Act XI of 1852, various administrators called for the extermination of this class of Eunuchs. Furthermore, this Act collapsed several groups under the heading of Eunuchs, not because they did not have penes, but because they engaged in sodomy and prostitution. This collection of deviant sexualities, which were sexual practices which were associated with children and a 'rape narrative' that attempted to justify colonial governance in the face of the so-called 1857 Mutiny, framed the Eunuch. These practices were conceived of as falling under one guise -- the *hijra* -- that demanded governance. With this evocation of childhood, the Act could only be understood, I argue, in the context of the emergence of a notion of childhood in the colonial context. This served several purposes: first, at the broadest level, the child constructed the ideal/universal citizen, which, with the hierarchy of value constructed through this Act, places the Eunuch as its opposite; and second, in terms of the 'child as victim', this idea constructed the paternalistic nation-state, insofar as it protected the innocent, as just and compassionate, while, at the same time, representing the Orient as immoral in their treatment of the innocent child.

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[210] In section 24 (b) of the Eunuch Act, the following describes who is to be counted as a eunuch: "The term 'eunuch' shall, for the purposes of this Act, be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent". Originally, the Bill did not include this definition. The reason that it was included, as the debate around the Bill makes evident, is because the legislators wished to include undesirable classes of persons who had not undergone castration. I will discuss this type of inclusion later in this chapter.

Another theme is that of transvestism. Transvestism was used to include still more groups under the jurisdiction of the Act. Yet, it served as a signifier for sodomy, and was thought to directly and legally indicate such sexual practices. The Act constructed Eunuchs, which had as its primary referent the *hijra*, as vehicles of sodomy and transvestism; that is, dressing in an unmanly fashion was considered the same as displaying so-called deviant sexuality. Masculinity in dress was being linked with divergence from heterosexual relations. Furthermore, such departure was criminalised. Finally, Eunuchs were also criminalised as vagrants.

The Act called for a registration[211] for all eunuchs and a subsequent control over their activities. Specifically:

> The Bill ... imposes penalties on any registered eunuch who appears in public in female clothes, who dances in public or for hire, or who keeps in his control any boy under the age of sixteen. It also deprives such eunuchs of the power of becoming guardians to minors, or making gifts and wills, and of adopting sons.[212]

The penalties that would be imposed are that registered eunuchs who are found guilty of participating in prohibited actions will be "punished with imprisonment ... for a term which may extend to two years, or with fine, or with both"[213]. With this legislation, the ways in which the previous regulations -- none of which specifically dealt with the *hijra* -- referred to the *hijra* were made concrete. Furthermore, a range of practices, including transvestism and singing and dancing, were monitored to the point where, if a man were to engage in any of these actions, he would be considered a Eunuch, and included in the register. Effectively, this legal imperative represented an anchoring in the meaning of the

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[211] This registration of Eunuchs was far from a simply administrative activity. Certainly, if a person thought that she/he was registered incorrectly, she/he could protest the inclusion of her/his name, and consequently have it taken off the register. However, this process was an invasive one. Not only would the person have to submit her/himself to a medical exam to ensure that he/she was impotent, but she/he would often also have to undergo an assessment that would determine if she/he 'habitually' engaged in sodomical intercourse. Only through these intrusive procedures could a person be cleared of being a suspected Eunuchdom and removed from the register.

[212] B.L.: IOR/L/PJ/5/14. Statement of Objects and Reasons on Bill for the Registration of Criminal Tribes and Eunuchs (November 23, 1870).

[213] B.L.: IOR/L/PJ/5/14. Act XXVII of 1871, The Criminal Tribes and Eunuch Act: Section 26.

*hijra*; no longer were they variably linked to castration, sodomy, and begging, but such characteristics became institutionally established in their representation.

This law is also important because it aimed to remove rights associated with citizenship from groups of people who are defined in certain ways. According to James Fitzjames Stephen, the author of the Bill that eventually became the Act, eunuchs were to be denied several privileges. In the 'Statement of Objects and Reasons', written on November 23rd, 1870, one of the reasons for the Bill was to deprive "such eunuchs of the power of becoming guardians to minors, or making gifts and wills, and of adopting sons"[214]. In another letter written by Stephen, he dismisses the particularistic notion of law, for one that is universalistic. In his words, "[t]o refuse to attack an organization for the propagation of sodomy on the ground of the liberty of the subject, appears to me to be intolerable pedantry of the most mischievous kind"[215].

Many examples exist of eunuchs being excluded certain rights in the practice of the Eunuch Act. Inheritance rights are one such illustration. There is only one instance where eunuchs should receive property from a dead eunuch: "It is only where *chelas* are themselves eunuchs, and lived in common with the deceased, that they should be allowed to succeed"[216]. Otherwise, upon the death of a eunuch, the property escheated to the government[217]. This regulation, however, was variably understood and there exists cases in which the government confiscated all property of deceased eunuchs[218]. Furthermore, eunuchs were forcibly removed from families, if those families contained children. In one such case, "though their father in one case, in another their uncle, live with them ... [t]he Magistrate has promised to separate the boys from this eunuch. The law admits no other course"[219]. Likewise, in Fatehpur, "a widow, her boy, and girl live with a newly-registered eunuch. The law is imperative. These children should be removed, and Government might well so instruct the Magistrate"[220]. Eunuchs were effectively denied familial relations. Indeed, some administrators felt that impotence was at odds with being part of a family. In one report, the officer stated: "In Meerut one man has been struck off because he has got married. ... The Commissioner remarks that either this man ought not to have been registered, or marriage is a mere device to cloak his calling"[221].

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[214] B.L.: IOR/L/PJ/5/14. Statement of Objects and Reasons on Bill for the Registration of Criminal Tribes and Eunuchs (November 23, 1870).

[215] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. A letter, by James Fitzjames Stephen (4th July 1870).

[216] B.L.: IOR/ P/1614. Report from C. Robertson, Secretary to Government, North-Western Provinces and Oudh, to Inspector-General of Police, North-Western Provinces and Oudh (19th September 1881).

[217] B.L.: IOR/P/839. Letter to E. Tyrwhitt, Inspector-General of Police, from B. W. Colvin, Officiating Secretary to Government, North-Western Provinces (25th August 1876).

[218] B.L.: IOR/P/706. Judicial Proceedings of the Government of India, Home Department, May 1873.

### *History of the Eunuch Act*

Before I discuss the pertinent parts of this Act, it would be useful for me to provide a brief overview of its inception. Such a summary will illuminate the roots and contexts of this important Act. Even though there were several criminal cases involving eunuchs in the 1850s, it appears that it was an 1865 article in the 'Native' newspaper (in Bengal), *Soma Prakash*, which incited interest in eunuchs[222]. In discussing this article, which had to do with the problem of kidnapping children for the purposes of prostitution, E. C. Bayley, the Secretary to the Government of Bengal and former Officiating Sessions Judge of Furrackabad, alluded to the existence of a custom of eunuchs kidnapping boys for the purpose of making them eunuchs[223]. In this context, Bayley called for legislation to stop such a practice. In his declaration of reasons for requesting for the criminalisation of such acts, he referred to the court cases of the eunuchs in the decade of the 1850s[224]. In fact, according to another administrator, these criminal trials provided evidence for "the *very* wide existence of the class of eunuchs who notoriously live by prostitution, [...] of the maintenance of a regular professional connection among them, whereby they supply themselves with boys -- bought or stolen and castrated"[225].

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[219] B.L.: IOR/P/839. Report from R. T. Hobart, Deputy-General of Police, to Tyrwhitt, Officiating Inspector-General of Police, North-Western Provinces (28th June, 1876).

[220] Ibid.

[221] B.L.: IOR/P/97. Report from R. T. Hobart, Deputy Inspector-General of Police, to E. Tyrwhitt, Officiating Inspector-General of Police (4th May 1875): 6.

[222] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Memorandum showing the action taken on the proposal of 1865, to legislate against Eunuchs in the North-Western Provinces by O'C (29th June 1870) and N. A. I.: Home Department Proceedings, 30-11-1864, 'Alleged existence of Traffic in girls in and near Calcutta'. Letter from V. H. Schalch, Commissioner of Police, Calcutta, to the Hon'ble A. Eden, Secretary to the Government of Bengal (31st October 1864).

[223] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Report from the Secretary, E. C. Bayley to the Government of Bengal (8th May 1865).

[224] According to legislators, the court cases from this decade also served as a reference point for the necessity of Act XXVII of 1871 (N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from

While the registration of eunuchs was institutionalised in the North-Western Provinces under a Police Circular in 1865[226] (Saunders 1867), the construction of a law controlling such persons did not meet with such immediate success. After several correspondences, the *Sudder Court*, in 1866[227], decided that a Bill that addressed eunuchs alone would be unnecessary. However, if the anti-eunuch legislation were to be attached to another Bill, such as one addressing the criminal tribes, then they stated that they would be more inclined to support it. Yet, since this would fall under the jurisdiction of the Inspector General of Police and Magistrates and Commissioners, it should be they who should draw up a draft for the law. In 1867, F. O. Mayne, Inspector General of Police for the North-Western Provinces, submitted such a draft Bill[228]. Upon receiving this draft, though, the *Sudder* (now the High) *Court* was adverse to it, since it repeated many of the rules put forth in the Indian Penal Code and gave too much power to the police[229]. At this point, the matter of legislating eunuchs ended.

Given the importance of the court cases referred to in the above discourses involving eunuchs, it would be valuable to briefly discuss them. Even though

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November 1871, on the Criminal Tribes Act, 1871'. Extract from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic. Cap. 67, 3rd October 1870).

[225] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Letter from the Secretary to Government, North-Western Provinces, E. C. Bayley (9th June 1865).

[226] This Circular differentiated between *hijras*, who were involved in prostitution, and *zenanas*, who were guards and attendants of harems.

[227] Since the *Sudder Court*, which was the court of appeal, was replaced by the High Court in 1862, this is an inaccurate reference by the authors of an important memorandum (N. A. I.: H. B., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Memorandum showing the action taken on the proposal of 1865, to legislate against Eunuchs in the North-Western Provinces by O'C [29th June 1870]).

[228] N. A. I.: H. B., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Letter from F. O. Mayne, Inspector General of Police, to the Secretary to the Government of the North-Western Provinces (28th May 1867).

[229] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Letter from J. F. Sandford, Registrar, High Court of Judicature, to the Secretary to the Government of the North-Western-Provinces (22nd July 1867).

they alluded to other court cases (presumably ones that never made it to the *Nizamut Adawlut*), there were three court cases that were explicitly referred to in the above correspondences. The first is the case of the Government versus Ali Buksh on the 6th of November, 1852 (*Decisions of the Nizamut Adawlut, North-Western Provinces* 1852). This case was important, argues H. Unwin, the Sessions Judge of Mainpuri (then, Mynpooree), because it brought to attention the:

> abominable trade of unnatural prostitution regularly carried on by eunuchs dressed as women, whom they resemble also in shape, with vested rights to contributions at weddings, &c. in certain villages allotted to one or more of them under a sort of acknowledged internal government. They have in fact a King, according to some resident at Delhi, other say at Furruckabad. (*Decisions of the Nizamut Adawlut, North-Western Provinces* 1852: 1314)

Thus, the eunuchs were associated with transvestism, castration, prostitution, and singing and dancing at special occasions. Furthermore, their holding 'vested rights to contributions' indicate that they are still represented as possessing *inams*. In fact, the eunuchs fascinated the judges, both in terms of their practices and novelty (the magistrates were not aware of *hijras* prior to this case), to such a degree that he called for a report to be produced, by Magistrate's Assistant, F. C. Forbes[230]. The novelty with which the *hijra* were depicted demonstrates that they were not yet ubiquitous in legal discourse. However, the eunuchs were not connected with the emasculation of children. Instead, Unwin states that "[t]here is no reason to believe that eunuchs are made here both in infancy and manhood as well as in foreign territories" (1316). This stands in marked contrast with many later accounts.

In the details of the case, the accused killed a *hijra*, a prostitute, who lived with him because the former had attempted to leave the accused. In the discussion around this trial, and the subsequent tribunal at the *Nizamut Adawlut*, several themes emerge. First, both the original Sessions Judge and the *Nizamut Adawlut* judge called for government action against this class of persons; in fact, the latter stated that "the subject will no doubt receive the necessary attention from the Government" (1317). Second, the class of persons were linked with the customs of the country, which, in the words of Unwin, "[n]othing but an authority to interfere is required to enable any Magistrate to sweep his district of such reproach to any country under Christian rulers" (1316). These two assertions, drawing on a Cryptocrystalline Orientalist discourse, link the role of the colonial nation-state with the local population in such a way as to construct them as immoral and something with which must be interfered. This is emphasised when A. W. Begbie, one of the presiding *Nizamut Adawlut* judges states that the 'infamous traffick' of castrating young boys is "generally known, although I fear connived at, by the native community" (1318).

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[230] As I mentioned in chapter three, this report was regrettably lost during the 1857 Rebellion.

The figure of the *hijra*, then, is becoming established in this court case. Unlike many of the previous accounts, the members of this group are associated with all of the following traits: cross-dressing, bardic activities, castration, and sodomy, in a way that connects them to prostitution. Yet, they are still not unequivocally linked to the kidnapping and castration of young boys. However, the legal accounts of them represent a field of judicial dispute, of the sort that Benton (1999) discusses. In the site of this trial, the judges articulate a nation-state that is universalistic and has an agency that is based on a moralistic imperative, one that stands in necessary contrast to the indigenous culture. This is explicit when Begbie challenges Muslim law on castration as being too lenient on such a 'vile' practice, calling for, instead, a "law rendering it a high misdemeanour" (1318). Moreover, the state is linked, at least in the words of Unwin, with Christianity. The second court case of relevance was the Government and Buddhuah (alternately known as Moradun, his name prior to his castration) versus Edun, Rahut, Elanshee, Heyat Buksh, Goolrung, Elihee Jan, and Gouree on the 11th of December, 1858 (*Reports of Cases Determined in the Court of Nizamut Adawlut* 1859). This case dealt with the purchase of two boys from their father by a eunuch, Edun, who then castrated one, whose name became Buddhuah. The others were accomplices and accessories to the castration. In the narrative of the trial, the eunuchs were connected with transvestism, castration, prostitution, singing and dancing for money, and kidnapping and purchasing children from their rightful guardians. Several other themes, though, emerged from this case. First, there are several references by those involved that this was the first court case involving eunuchs, other than that of the Government against Tahir Mahomed on the 31st of March, 1827, which I discussed earlier (*Reports of Cases Determined in the Court of Nizamut Adawlut* 1859). Not only is their crime new to the ears of the court, but it is on the increase. This apparent contradiction between the rediscovery of eunuchs and the report that the practice is now on the increase reveals a concern for the governance of such an institution; while the rediscovery of the class represents their lack of ubiquity in legal discourse, the increasing nature of the practice is a call for greater legal attention. Thus, in this trial, eunuchs are being evoked as relevant, important, and worthy of control in the same moment. Also, according to the presiding Sessions Judge, T. Sandys, the reason that the criminal activities of the eunuchs was on the rise was because "the executive or police appointments, in all the influential grades have always been monopolized by at least two-thirds Mohomedans" (549), and are therefore party to such 'domestic slave transactions'. This links the institution of eunuchs to Islam and slavery. Another theme is that eunuchs were associated with vagabonds.

However, what makes this case so interesting is that it also represents the intersection of three more themes: religion, slavery, and the immorality of South Asian society. Most of the judges involved commented that the institution of eunuchdom is a Muslim one; Mr. Toogood, the Officiating Magistrate of Monghyr, labelled this "another remnant of Mahomedan barbarism" (542). This is echoed by Toodgood's comments that "[t]he custom of Eunuchism appears to have been handed down from the Emperors of Delhi" (544). Furthermore, as Sandys states, the existence of the practice represents a colonial relation: "Hindoo children seem to be mostly the victims of the vile system, and when mutilated as Eunuchs, they become Mahomedans, and change their names accordingly" (546). This link of Islam with eunuchdom is also associated with slavery at several points in the text of the case. In the words of Sandys, "[d]omestic slavery and domestic Eunuchism were engrafted on Hindoo customs by their Mahomedan oppressors" (549). This is captured well in the words of Toogood, where he discusses:

> a Mahomedan population which encourages in every way possible the wickedness of slavery and especially amongst its upper classes, who weigh their respectability, position and standing in society by a system of polygamy and the number of slaves which they keep. (541)

This slavery was merely one part of what the British thought was a larger issue of the immorality of Indian civilisation. In the context of this trial, various magistrates refer to India as a "vice-deluged country" (544), with this case representing "one of the many social evils which still besets India" (548). Moreover, these crimes that are associated with eunuchs "are like other class-crimes peculiar to the country, uncontrollable except by special remedies. No extravagant tyranny is too gross to be endured by native society" (548). It is because of these reasons that those involved call on the Lieutenant-Governor of Bengal to deal with "this and other horrible crimes, which are daily being committed under our very eyes" (543).

By connecting Islam, slavery, and Indian immorality to eunuchdom, the writers are invoking a complicated Cryptocrystalline Orientalist discourse. Insofar as Muslims were associated with despotism and slavery in the British imagination, these connections represent a political relation. The Muslim rulers were constructed as immoral and thereby lacked the ability to rule India properly. Yet, it was not just Islam that was morally corrupt in the colonial imagination; the entire of Indian society was represented as depraved. This legal context captures the relationship between an Orientalist view that posits the immoralities of Islam and a perspective that defines Hinduism as wicked. Both of these constructions of India's continued immorality, which, in the British imaginary, was rife in scope and affect, negated the possibility of self-rule without the moral and guiding hand of the colonial nation-state. Morality was being constructed as the proper, if not primary, basis for governance, a quality that the indigenous society and the supposedly foreign Muslims and indigenous Hindus did not have.

The last trial of relevance is the Government versus Munsa, Nurm Buksh, Buhul Buksh, Moolloo, and Nugoo on the 7th March 1860[231] (*Index to the Decision of the Nizamut Adawlut, North-Western Provinces* 1861). This case involved a charge against the accused of stealing and making a eunuch of a boy who was nine years old against his will. The focus of this trial is on eunuchs as linked with castration and kidnapping. Important for this case, is the language used by the judges of the *Nizamut Adawlut*, in describing the child:

> Here the crime is with child stealing under the most painful and aggravated circumstances. The cruel injury to the helpless child, and miserable life of infamy to which it is doubtless intended to consign it, are themselves horrible enough, even when the parents or guardians of the child are consenting parties.
>
> But here the youngest and favourite child of respectable Hindoo parents is carried off forcibly, their dearest affections and most cherished feelings violated to the utmost, and, there is no reason to distrust the assertion, that in the instance of the father of this boy, the result was his illness and death. (iii. 140)

In the narrative of this case, more than the previous cases, the child is described as helpless. Also, sympathies are created for the 'respectable' Hindu parents. While this construction of victimisation is important, as I will discuss later, it is further significant that the religion of the parents is mentioned. If one reads this description against those of the previous trials, another familiar theme emerges: the violence subjected on the passive Hindu by the aggressive Muslim.

After the draft Bill for the registration of eunuchs was rejected by the High Court in 1867, it saw life again, when Mayne approached James Fitzjames Stephen[232]. In the 'Statement of Objects and Reasons' for this Bill, Stephen asserts that the reason for the part of the Bill that dealt with eunuchs is: "to crush an association of eunuchs in the North-Western Provinces, who carry on a system of unnatural prostitution, and perpetuate their class by kidnapping and castrating boys"[233]. This establishes this legislation as concerned with both sodomy and the kidnapping and castration of young boys. Stephen continues:

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[231] This was originally tried by E. C. Bayley, who was the Officiating Sessions Judge of Furrackabad at the time.

[232] N. A. I.: H. B., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Paper from J. F. Stephen (2nd February 1870).

> The Bill provides for the registration of the names, residences and property of all eunuchs reasonably suspected for committing these offences, imposes penalties on any registered eunuch who appears in public in female clothes, who dances in public or for hire, or who keeps in his control any boy under the age of sixteen. It also deprives such eunuchs of the power of becoming guardians to minors, or making gifts and wills, and of adopting sons.[234]

Thus, the Bill further links the eunuchs to cross-dressing and dancing. Even though many of the previous narratives of the eunuchs, including the 1850 trials upon which this proposed legislation drew for evidence and motivation, did not include all of these characteristics, this Bill proposed to bring them all together into a single law that would impose significant penalties onto this class of persons. While several incarnations of the Bill followed, on October 12th, 1871, the government passed the final form and made it into a law: Act XXVII of 1871.

Originally only passed as a piece of legislation that affected the North-Western Provinces, the government eventually spread The Eunuch Act, Part II of the Criminal Tribes Act, over much of the north of India. In the towns -- then all in Punjab -- of Lahore, Amritsar, Delhi and Peshawur, the Act came into force in November, 1872[235]. The government expanded the Act to include the Lower Provinces of Bengal (*A Collection of Acts* 1877), although, according to a report[236], Part II did not apply to this Act[237]. Next, in 1877, this portion of the Act was extended to Ajmere-Merwara (*The Ajmere Code* 1893) and Oudh[238].

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[233] B.L.: IOR/L/PJ/5/14. Statement of Objects and Reasons on Bill for the Registration of Criminal Tribes and Eunuchs (November 23, 1870).

[234] Ibid.

[235] B.L.: IOR/P/93. Letter from L. H. Griffin, Officiating Secretary to the Government of the Punjab, to H. L. Dampier, Officiating Secretary to the Government of India (8th of November 1872).

[236] B.L.: IOR/P/921. Proceedings of the Government of Bengal, in the Judicial Department (1876).

[237] This is significant in that several authors, including Basu & Basu (1909), do not recognise that it was only Part I that was extended.

[238] B.L.: IOR/P/840. Letter from H. J. Sparks, Officiating Secretary to the Lieutenant-Governor and Chief Commissioner for Oudh, to Arthur Howell, the Officiating Secretary to the Government of India (21st September 1877).

Of course, throughout the life of the Act, some legislators felt that more had to be done to stop the Eunuchs. However, many of these requests were denied because it was thought that the sentiments of the population would be enraged by such actions. This captures one of the evident tensions in the discussion surrounding both the law and its application. Some writers felt that the indigenous populace supported the institutions of eunuchs, so they had to be cautious in legislating its demise[239]. In the words of the Magistrate of Farrackabad, "[t]heir condition arises from immemorial usage, and degrading as it is, their practices are (with the exception of the acts of unnatural crime) sanctioned by the public opinion of all Mussulmans..."[240]. Yet, in spite of this, most of the commentators on the Bill and the Act thought that such a localised reaction was not reason enough to stop the legislation. As K. J. L. MacKenzie, Associate Commissioner in Charge of the Bassein District, stated:

> With society tolerating such dreadful practices, I deem that any measures that will aid in stamping them out be adopted regardless of any temporary inconvenience to the people that enlarged powers to the police may be supposed to result in. It is notorious that the provisions of the Penal Code are not of themselves sufficient to meet and repress the doings of these hereditary criminal classes, and that exceptional measures are necessary. ...[241]

This contradiction between conceptions of law as universalistic and particularistic is evident in this passage, with the Sword of Law trumping the Sword of Justice.

However, while the Eunuch Act generated a fair bit of discussion and reports in the 1870s, interest in it waned in the 1880s. This is partially to do with greater interest in Part I of the Act. For example, as a consequence to the geographical additions to the reach of the Act, as well as other factors, the legislation went through several repeals, in 1874, 1876, and 1897, all of which pertain to Part I (*A Collection of Acts* 1875; *A Collection of Acts* 1877; *A Collection of Acts* 1897). In 1911, the Act was repealed in such a way as to remove Part II. According to his 'Statement of Objects and Reasons' for the Bill that became Act III of 1911, J. L. Jenkins states that the reason for this exclusion is that he wanted Part I of the Act -- the portion dealing with the Criminal Tribes -- to apply to all of India. Since Part II only deals with northern India, he wanted to drop it from the Act altogether. In a letter to the commissioner of the Delhi Division, C. A. Barron agreed that this part of the Act was no longer necessary, since, at least in Punjab, there was no evidence that eunuchs continued to commit sodomy or kidnap and castrate young boys[242]. Thus, the life of the Act ended there.

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[239] B.L.: IOR/P/97. Report from R. T. Hobart, Deputy Inspector-General of Police, to E. Tyrwhitt, Officiating Inspector-General of Police (4th May 1875).; N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Letter from the Secretary to Government, North-Western Provinces, E. C. Bayley (9th June 1865); B.L.: IOR/L/PJ/5/14. Officiating Commissioner of Benares' reply in the Debate around Act XXVII (no date).

[240] B.L.: IOR/L/PJ/5/14. Magistrate of Farrackabad's reply in the Debate around Act XXVII (no date).

[241] N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Letter from K. J. L. MacKenzie, Associate Commissioner in Charge, Bassein District, to the Commissioner, West Berar (25th May 1870).

Through this brief history of the Act and its roots, it can be seen that the moral panic that resulted in the Eunuch Act resulted from a flashpoint in the early 1860s. Prior to this, the *hijra* were only associated with sodomical prostitution, transvestism, and entertaining. They were not linked with the activities that served as the basis of the panic: kidnapping and castrating children. Furthermore, during the period preceding this panic, the *hijra* were conceived of within a Cryptocrystalline Orientalist discourse, which linked them to indigenous immorality, slavery, and religion. In fact, through this connection, it can be observed how legal practices involving the *hijra* record how the conflict between the ideology of 'Oriental' rule and that of colonial governance was gradually resulting in the primacy of the latter over the former.

Various themes emerged in the Eunuch Act. Two of these themes -- kidnapping and castration, and sodomical prostitution -- represent complicated links to Islam, slavery, and despotism. Furthermore, the discourses of these thematic articulations evoke the nation-state through complex rape narratives and parallels to changing visions of childhood, especially as it constructs the 'child as victim'. Also, transvestism and association with Criminal Tribes, most notably because of suspected vagrancy, are other themes that come out in this Act. These themes also exemplify how the *hijra* become a significant category, under which other classes become subsumed. Like the category of 'third nature' or 'third sex', the *hijra*, *qua* eunuch, becomes a default for many of the non-hegemonic sexualities, gendered identities, and sexual embodiments. It is to these themes that I now turn.

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[242] B.L.: IOR/L/PJ/5/112. Letter from C. A. Barron, Deputy Commissioner, Delhi, to C. M. Dallas, Commissioner, Delhi Division (22nd August 1910).

### *Castrators and Kidnappers*

One such theme that emerged in this Act was one that connected the Eunuchs to the kidnapping and subsequent castration of young boys. This is a significant subject, since it links the *hijra* to slavery in the British imagination, through the notion of castration. However, the connection of Eunuchs and kidnapping was not a ubiquitous theme until the publication of an article in the Bengali native paper, the *Soma Prakash*. Yet, as this relationship was being articulated, the decline of the very institution of eunuchdom was being reported by various colonial writers, indicating a significant contradiction in the accounts of the time. Moreover, these qualities that are being associated with the Eunuchs were used by various legislators and legal practitioners in the field to eliminate the class of eunuchs, which is in marked contrast to the tolerance demonstrated in the discussions around Act XI of 1852.

The flashpoint for the impetus for this theme of the Act was an article published in *Soma Prakash*, which focused on the kidnapping of children, but also drew attention to the practice of kidnapping and subsequent castration of young children by eunuchs. This theme is not an uncommon one; in the British imaginary, Hindu parents often sold their children to be made into eunuchs in order to satisfy debts (Ali 1917[1832]; Ward 1824). James Wheeler (1972[1878]) states that in the 1683 Madras Consultation Books, there are several references to children were being kidnapped from their families to be sold into slavery. Gavin Hambly (1974), a contemporary historian, also writes of the practice of selling children to be eunuchs by Hindu parents, in place of revenue owing to the Mughal government. However, these references pertain to the *khoja* and not the *hijra*; the referent of these observations is eunuchs who live in slavery in the harems of the

Muslims. In this way, the kidnapping was not associated necessarily with eunuchs, but was a consequent of slavery.

In fact, instead of being associated with eunuchs, kidnapping in the first half of the nineteenth century was associated with Islam, slavery, and prostitution. At the end of the 1820s in Madras, a flurry of correspondences took place on the problem of kidnapping of children in British India. Reflecting the Cryptocrystalline Orientalist discourse, these letters blamed Muslims and 'their' institution of slavery for the practice[243] and called for legal gaze to be cast into the dark places of the harems, where many of these kidnapped children were supposedly kept[244]. Even though the police of the region wished for all Muslims to be forced by law to show each child that they are desirous of making a slave, in order to determine that she or he had not been kidnapped, the Advocate General decided that this course of action would not be acceptable[245].

These practices were not just associated with Islam. In the mid-1820s, another series of letters linked the kidnapping of children with slavery and prostitution, especially of dancing-girls, or *devadasis*[246]. Consequently, these correspondences link the two, not to an Orientalist depiction of Islam, but to a depiction of an immoral Hinduism. Also, in the early 1830s, another series of correspondences took place about the practice, this time pointing to the problems of the French settlement, Mahe, in dealing with the crime; like other correspondences, these ones positioned the problem in terms of slavery[247].

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[243] B.L.: IOR/F/4/702/19065. A Letter from D. Campbell, Acting Superintendent of Police in Madras, to D. Hill, Chief Secretary to the Government (23rd June 1818).

[244] B.L.: IOR/F/4/702/19065. A Letter from J. McKerrell, Superintendent of Police of Madras, to D. Hill, Chief Secretary to the Government (29th September 1818).

[245] B.L.: IOR/F/4/702/19065. A Letter from Samuel Toller, Advocate General, to David Hill, Secretary to the Government (8th September 1818).

[246] B.L.: IOR/F/4/1034/28499. A Letter from J. L. Thomas, Deputy Register to the Court of Faujdarry Adawlut, to J. M. Macleod, Secretary to Government (13th January 1826); B.L.: IOR/F/4/1034/28499. A Letter from J. Cotton, Principal Collector and Magistrate of Tanjore, to J. M. Macleod, Secretary to the Government (28th June 1825); B.L.: IOR/F/4/1034/28499. A Letter from R. A. Bannerman, Assistant to the Magistrate of Tanjore, to J. Cotton, B.L.: Magistrate (14th July 1825); B.L.: IOR/F/4/1034/28499. A Letter from J. M. Macleod, Secretary to the Government, to W. Hudleston, Register to the Court of Foujdarry Adawlut (28th June 1825); B.L.: IOR/F/4/1034/28499. A Letter from J. Munro, Collector of Tinnevelly, to Register to the Provincial Court of Circuit Southern Division (5th December 1825); and B.L.: IOR/F/4/1034/28499. Letter from the Judges of the Provincial Court in the Southern Division, to W. Hudleston, Register to the Foujdarry Adawlut (20th December 1825).

Over the next several decades, many references to trials linked kidnapping to theft, especially of the ornaments of the child. However, the theft of children was increasingly linked to particular groups of people in the 1850s. For example, the Acting First Magistrate for Kaira states, in 1854, that: "[m]embers of the Goosaee fraternity throughout Guzerat are often in the habit of purchasing *male* children, with the view of bringing them up as their disciples, and eventually successors" (Morris 1855: 413). Other classes of persons were also linked with such practices: the *Meriahs* (*Reports of Criminal Cases determined in the Court of Foujdaree Udalut, Volume V* 1855); Gipsies (*Index to the Decision of the Nizamut Adawlut* 1861); *Fakirs*[248]; *Gonda Barwars*[249]; *Kunjurs*, *Beoparees*, and *Bunjaras*[250]; and *Kusbins*, *Nuths*[251], and *Beriahs* (Hervey 1892). These accounts further link the kidnapping of children to non-Eunuch, Hindu groups that were considered, to use the language of the later legislation, Criminal Tribes.

While some narratives connected non-*khoja*[252] eunuchs with kidnapping in the 1850s, it was not until the 1860s that the interest was widespread. Not only were various reports filed on the topic (*Proceedings of the Hon'ble E. Drummond, Lieutenant-Governor of the North-Western Provinces, in the Judicial [Criminal] Department, for the Month of June, 1865* 1873), but several court cases (no less than nine) emerged that involved eunuchs and kidnapping (*Proceedings of the Hon'ble E. Drummond, Lieutenant-Governor of the North-Western Provinces, in the Judicial [Criminal] Department, for the Month of June, 1865* 1873)[253]. In one case, F. Williams, Commissioner of the Meerut Division, writes that: "During the famine of 1860-61 a gang of eunuchs were arrested in Shikarpore of this district for having emasculated an unfortunate boy who had fallen into their hands"[254]. Yet, Williams also notes that, in spite of these cases, "[t]he strong measures taken by the Police have stopped the infamous crime in this district"[255]. In fact, despite the growing interest in linking eunuchs with kidnapping, a growing discernment that eventually resulted in Act XXVII of 1871, several important officials asserted that such an association was on the decline. In a Circular Order from 1868, C. A. Dodd notes that "[k]idnapping for eunuchs has not increased during the last three of four years, as far as we know"[256]. By the time that Act XXVII was being debated, others voiced the same observations: while the crime was formerly great, it had been reduced significantly by the 1865 Police Order (Saunders 1867). This representation of the success of the Police Order constructed the contemporaneous governing regime as being effective, and therefore evoked a narrative of victory for the colonial state[257]. Yet, in spite of the decrease of the crime, several administrators called for registration of all eunuchs in the North-Western Provinces[258]. This pattern was also evident in other official documents. In censuses conducted as early as in 1864 (Leith 1864), something which I explored in the previous chapter, it was reported that the British were removing the institution of eunuchs. In the words of Hewlett (1873):

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[247] B.L.: IOR/F/4/1414/55774. Extract Foreign Letter from Fort St. George (February 1832); B.L.: IOR/F/4/1414/55774. Extract Foreign Letter from Fort St. George (5th June 1832); and B.L.: IOR/F/4/1414/55774. Extract Foreign Letter from Fort St. George (15th March 1833).

[248] N. A. I.: H. D. P., 30-09-1871, 'Crime of kidnapping for immoral purposes in the North-Western Provinces'. Extract from a letter from E. Tyrwhitt, Deputy Inspector General of Police, to the address of Personal Assistant to the Inspector General of Police, North-Western Provinces (3rd April 1871) and B.L.: IOR/P/91. Report from Clarmont Daniell, Magistrate of Furruckabad, to F. M. Lind, Commissioner, Agra Division (13th January 1870).

[249] B.L.: IOR/L/PJ/5/14. A Letter from Officiating Junior Secretary to Chief Commissioner, Oudh, to Secretary to Government of India, Legislative Department (13th February 1871).

[250] B.L.: IOR/P/91. Report from Clarmont Daniell, Magistrate of Furruckabad, to F. M. Lind, Commissioner, Agra Division (13th January 1870).

[251] B.L.: IOR/P/91. Report from Clarmont Daniell, Magistrate of Furruckabad, to F. M. Lind, Commissioner, Agra Division (13th January 1870).

[252] According to J. Collins , the Superintendent of the Raja's Charitable Dispensary at Joudpore in Marwar, who commented on fifteen Eunuchs, some *khojas* were still produced by children sold into the institution; "the parents and guardians of children surrendered for castration, do, in some cases, receive large prices, fine dresses and pensions; and in other cases, even lands and wells as jagheers" (Ebden 1855: 524).

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[253] Also see: N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. Report from the Secretary, E. C. Bayley to the Government of Bengal (8th May 1865).

B.L.: IOR/P/92. Letter from F. Williams, Commissioner of the Meerut Division, to Secretary to Government, North-Western Provinces (31st January 1870): 5.

[255] Ibid: 5.

[256] N. A. I.: H. D. P., 30-09-1871, 'Crime of kidnapping for immoral purposes in the North-Western Provinces'. Circular No. 25 from C. A. Dodd, Personal Assistant to Inspector General of Police, North-Western Provinces, to All District Superintendents of Police, North-Western Provinces (29th August 1868).

[257] This narrative is also evident in the censuses, which I explored in the last chapter.

[258] B.L.: IOR/P/700. A Letter from Her Majesty's Secretary of State for India, to the Government of India (9th November 1871); N. A. I.: H. D. P., 30-09-1871, 'Crime of kidnapping for immoral purposes in the North-Western Provinces'. Letter from E. C. Bayley, Secretary to the Government of India, to C. A. Elliott, Officiating Secretary to the Government of the North-Western Provinces (20th July 1871); and B.L.: IOR/P/92. Report from Balmokund, Joint Magistrate of Etah, to F. M. Lind, Commissioner, Agra Division (14th January 1870).

> The marked diminution, however, in the number of Hindus found to be mutilated ... would point to the more efficient police supervision which is now exercised, and which would render the commission of such a crime a matter of far greater difficulty now than it was in 1864. (71)

Despite this reduction in kidnapping, and the occasional argument against the need of such legislation[259], most of the authors agreed that the success of the 1865 Police Order called for a piece of legislation that would extend such a local project to a wider geographical area.

The kidnapping and castration of young boys by eunuchs was constructed as serving two purposes. First, given the necessary impotence of the eunuchs, it propagated their class in the only way possible. In this way, the end to kidnapping represented a way to battle the existence of the group. Yet, the language of such a battle is significant; the various legislators, judges, and police officials did not want to end the *practice* in which the eunuchs were involved. Instead, they wanted to end the class itself. They used words such as "eradicate"[260], "extinguish"[261], "extirpation"[262], or, in words somewhat less active,

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[259] B.L.: IOR/P/92. Report from H. M. Rempton, Officiating Deputy Commissioner of Ajmere and Mhairwarra, to R. H. Keatinge, the Commissioner of Ajmere and Mhairwarra (15th February 1870) and B.L.: IOR/L/PJ/5/14. A Letter from Officiating Junior Secretary to Chief Commissioner, Oudh, to Secretary to Government of India, Legislative Department (13th February 1871).

[260] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. A Letter from the Secretary to Government, North-Western Provinces, E. C. Bayley (9th June 1865).

[261] Judge B.L.: IOR/L/PJ/5/14. Judge of Farrackabad's reply in the Debates around Criminal Tribes' Act (no date); B.L.: IOR; L/PJ/5/14. Magistrate of Farrackabad's reply in the Debates around Criminal Tribes' Act (no date); B.L.: IOR/P/1138. Report from E. Tyrwhitt, Inspector-General of Police, North-Western Provinces and Oudh, to C. Robertson, Secretary to Government, North-Western Provinces and Oudh (28th May 1878); B.L.: IOR/P/2002. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to H. B. Webster, Inspector-General of Police, North-Western Provinces and Oudh (4th June 1883); B.L.: IOR/L/PJ/5/14. Letter from Officiating Secretary to Government, North-Western Provinces, to Officiating Secretary to Government of India, Legislative Department (21st April 1871); N. A. I.: H. D., J. B., 30-11-1871, 'Proceedings from November 1871, on the Criminal Tribes Act, 1871'. Letter from F. O. Mayne, Inspector General of Police, to the Secretary to the Government of the North-Western Provinces (28th May 1867).

[262] B.L.: IOR/P/840. A Letter from C. Robertson, Officiating Secretary to Government, North-Western Provinces and Oudh, to E. Tyrwhitt, Inspector-General of Police, North-Western Provinces and Oudh (3rd April 1877) B.L.: IOR/P/840. Letter from E. Tyrwhitt, Inspector-General

"die out"[263]. This language points to a desire to eliminate the group, indicating a dislike of the group, rather than just the practices in which the class were depicted as engaging. In other words, the expressions used denote that the eunuchs were despised for reasons other than just the actions attributed to them. This is a significant transformation in the attitude of the colonial regime, since, in Act XI of 1852, several administrators had voiced a concern not to eliminate the class, but, instead, to limit their recruitment. Moreover, this language frames the Eunuchs in a hierarchy of value, with the Eunuchs at the lowest possible position in such a ranking. Second, child stealing was associated with sodomy. In the words of Clamont Daniell, the Magistrate of Furruckabad: "eunuchs ... frequently have boys in their possession, who ... have been, kidnapped.... Boys when kidnapped are generally disposed of to eunuchs for immoral purposes"[264].

From this brief overview, one significant contradiction emerges: the association of kidnapping with eunuchs arose in the early 1860s, but, according to many government officials, was on the decrease by 1865. How could this problem be so significant that it called for additional legislation, in the form of Act XXVII of 1871, when the evidence for it was sparse and inconsistent enough for many writers to report that it was on the decline at the same time as it was declared a crisis? I want to argue that reason for this moral panic is two-fold. First, as we shall see, on the heels of the 1857 Indian Rebellion, a conflict that was conceived of as a mutiny by the British, the semiotics of rape changed, such that it caused this moral panic. Second, the notion of childhood was changing, which had certain implications for the development of the colonial nation-state. However, before I turn to these arguments, I want to expand on one other related theme in the Act: sodomy and prostitution.

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of Police, to C. Robertson, Secretary to Government, North-Western Provinces and Oudh (17th September 1877).

[263] B.L.: IOR/P/96. A Report from E. Tyrwhitt, Officiating Inspector-General of Police, to C. A. Elliott, Secretary to Government, North-Western Provinces (26th June 1874).

[264] B.L.: IOR/P/91. Report from Clarmont Daniell, Magistrate of Furruckabad, to F. M. Lind, Commissioner, Agra Division (13th January 1870): 12.

### **Hijras** *as Sodomites and Prostitutes*

In Act XXVII of 1871, eunuchs were linked not only with kidnapping and subsequent castration of children, but were associated with sodomy. While this theme has certainly been present in other representations of the group, this legislation institutionalises the connection. As mentioned, one of the main reasons that this Act was created was to put an end to violations of section 377 of the Indian Penal Code, which made sodomy illegal.

This aspect of the law was so important to the legislators that many of them sought to include other groups under this Act because they engaged in such practices. In fact, the Bill that became the Act was critiqued by the Officiating Secretary to the Government of the North-Western Provinces because its focus on eunuchs excluded *zananas*, or men who are "impotent from early addiction to vice or [are] emasculated by other means than mutilation"[265]. Such a reference to the addiction to vice, of course, evokes a moral aesthetic. The Magistrate of Farrackabad also expressed displeasure with the Act because it did not include *zananas*[266], which he states are the same as *mukhanis* (i.e., *mukhannas*)[267]. In fact, once the Act was passed and put into practice, it was used to control other groups. The *sakhies*, who were thought to wear women's clothes and commit sodomy, were one such group; there was a concerted effort to eliminate the *sakhies* for their practices under the Act, especially by O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh in the early 1880s[268]. In addition, one plea by a Mahatab Rai requested that the Act be used to control groups of *Naggals* or *Bhandelus*. According to Rai, this group, who reside in Punjab and the North-Western Provinces, are the followers of *Mir Bhuchchar*[269] and "addict themselves to effeminate speech, deportment, and movements, and as women commit illicit sexual intercourse; they commit the most abominable and unnatural crime of sodomy"[270]. This inclusive movement effectively lumped various groups who the British identified as practicing 'deviant' sexuality under the category of Eunuch, which, insofar as it had as its primary referent a castrated transvestite prostitute who committed sodomy and danced at weddings and at births, referred to the *hijra*. That is, variable sexuality -- and the moral aesthetic associated with it -- was reduced to and institutionalised as being the domain of the *hijra*.

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[265] B.L.: IOR/L/PJ/5/14. Letter from Officiating Secretary to Government, North-Western Provinces, to Officiating Secretary to Government of India, Legislative Department (21st April 1871).

[266] B.L.: IOR/L/PJ/5/14. Magistrate of Farrackabad's reply in the Debate around Act XXVII (no date). Also see B.L.: IOR/L/PJ/5/14. Letter from Officiating Secretary to Government, North-Western Provinces, to Officiating Secretary to Government of India, Legislative Department (21st April 1871); and B.L.: IOR/L/PJ/5/14. Syud Ahmed Khan Bahadur's reply in the debates around the Criminal Tribes' Act. (no date).

[267] B.L.: IOR/L/PJ/5/14. Magistrate of Farrackabad's reply in the Debate around Act XXVII (no date).

[268] B.L.: IOR/P/1816. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to R. T. Hobart, Officiating Inspector-General of Police, North-Western Provinces and Oudh (15th May 1882); B.L.: IOR/P/2002. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to H. B. Webster, Inspector-General of Police, North-Western Provinces and Oudh (4th June 1883); B.L.: IOR/P/2208. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to H. B. Webster, Inspector-General of Police, North-Western Provinces and

Juridical accounts of sodomy, however, represented a link to children. While there did exist several accounts of trials against men involved in committing sodomy with other men, both in relation to eunuchs[271] and not[272], most of the cases involving sodomy since the 1850s were of a man having sexual intercourse with a male child. For example, in the trial of Regina versus Perumallu, on the 10th of December, 1861 (*Reports of Criminal Cases determined in the Court of Foujdaree Udalut* 1861), the Acting Sessions Judge, R. Davidson, argued that the child who was sodomised must have been an unwilling victim because of his youth. Increasingly in the mid-nineteenth century, sodomy was represented as a crime against children. Yet, insofar as sodomy was being increasingly understood in the context of a moral aesthetic, especially with the

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Oudh (26th June 1884); B.L.: IOR/P/1614. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to Personal Assistant to Inspector-General of Police, North-Western Provinces and Oudh (6th July, 1881).

[269] This is most likely a reference to the Goddess Bahuchara, who is thought to be worshipped by the *hijras*. I discussed this in the last chapter.

[270] N. A. I.: H. D., J. B., 28-02-1890, 'Protection and education of the children of the poorer classes in India'. Letter from Mahtab Rai, Pleader, Delhi to the Private Secretary to His Excellency the Governor General and Viceroy of India (1st November 1889).

[271] Queen-Empress *versus* Khairati, on 31st January, 1884 (Subramaniam & Krishnaswamy 1915); Empress *versus* Ghasita in 1884 (Ishaq 1898). Note that both of these court cases are in 1884, and not in 1844 as Bhaskaran (2004) asserts.

[272] Government *versus* Khurukgir, Muha Singh, Popee, Holass, and Chutta, on 5th February, 1853 (*Decisions of the Nizamut Adawlut, North Western* 1853).

'repugnance' with which it was represented, sodomy was placed at one end of a hierarchy of value. Through the opposition of children with sodomical practices, children were being located at the other end of the ranking of value; that is, sodomy and childhood were being constructed as polar opposites in a spectrum of morality. I will explore this a bit more in the next section.

The moral panic of the practice of kidnapping, then, can be connected to that of sodomy. One of the reasons for this is the development of the colonial rape narrative. As Jenny Sharpe argues, in her *Allegories of Empire* (1993), a rape narrative emerged after the Rebellion. She asserts that "a crisis in British authority is managed through the circulation of the violated bodies of English women as a sign for the violation of colonialism. In doing so, [she sees] English womanhood emerge as an important cultural signifier for articulating a colonial hierarchy of race" (4). Thus, rape is not a set, consistent, nor stable signifier, but one that is utilised to envision rebellion as the rape of white women by the 'natives'; rape is an "event that emerges in and is constituted by its enunciation" (4). The figure of the raped English woman, then, represents the government which is being rebelled against, a rebellion that is an 'uncivilized eruption'. That is, insofar as the 'mutiny' represented an attack on the ostensibly humanitarian logic -- one that might have only existed in the colonial imaginary -- of the British regime in India, it pointed to the barbaric immoralities of the 'natives'. Thus, according to Sharpe, the rape narrative evoked this depravity, thereby justifying the imperial presence as part of a civilising mission.

Agreeing with Sharpe, Christopher Bayly (1990) notes that the British representations of the rebellion emphasised the degeneracy of the Indian population. He maintains that:

> Most drawing and painting concerning the Rebellion, both at the time and in the later Victorian years, was of military engagements or atrocities perpetrated against British women and children by the mutinous sepeys. Indian 'bestiality' and the treachery of the once loyal natives was taken as proof of their low degree of humanity, and emerging racial stereotypes were hardened. (137)

This rape narrative constructed a victim of atrocities, one that could be identified with the colonial state. Given this colonial narrative, the association of kidnapping and eunuchs was an attempt to link the immoralities of Indian society -- present in the figure of the eunuch -- with the violence against the powerless victim, the child. Through this discourse, a metaphor of the colonial state as oppositional to such immorality and innocent to the attacks of the 'mutineers' was articulated.

More than just evoking conceptions of depravity and childhood, these articulations of the colonial 'rape narrative' spoke to the status of masculine embodiment, as well. As part of the discussions of the Bill, which became the Act, C. A. Elliott, voiced a desire to include female prostitutes under its jurisdiction, in order to prevent the kidnapping and subsequent "life of infamy"[273]. This request generated much interest, and several legal specialists agreed with the spirit of the request, although there were some reservations voiced, including the problem of defining a 'prostitute'[274] and difficulty of removing all girls from all of the classes of prostitutes[275]. In the end, these reservations won out, and the Act was determined not to refer to prostitutes, but only to Criminal Tribes and Eunuchs. Through these debates, the protection of boys from kidnapping and the ensuing castration and prostitution was considered to be more important and easier than the defence of girls from kidnapping and prostitution, as well as the lifestyle that would result from it. In other words, protecting masculine embodiment was granted a higher priority than guarding against prostitution; that is, castration was institutionalised as a worse crime than prostitution. Similarly, sodomy and male prostitution was criminalised over female prostitution; they were placed at a lower point in the hierarchy of values. In fact, these legal manoeuvres discursively privilege issues of male sexuality and embodiment over that of female concerns. This not only speaks to the concern evidenced over masculinity, but illuminates a topic that I will turn to soon: the construction of childhood in the colonial context.

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[273] B.L.: IOR/L/PJ/5/14. Letter from Officiating Secretary to Government, North-Western Provinces, to Officiating Secretary to the Council of the Governor General for making Laws and Regulations (14th July 1871); B.L.: IOR/L/PJ/5/14. Letter from C.A. Elliott to F. O. Mayne, W. A. Forbes, G.H.M. Ricketts, T. Dennehy, E. Tyrwhitt, and F. Williams (22nd June 1871).

[274] B.L.: IOR/L/PJ/5/14. F. O. Mayne's reply to C.A. Elliott, Officiating Secretary to Government, North-Western Provinces (29th June 1871); B.L.: IOR/L/PJ/5/14. E. Tyrwhitt's reply to C.A. Elliott, Officiating Secretary to Government, North-Western Provinces (no date).

[275] B.L.: IOR/L/PJ/5/14. E. Tyrwhitt's reply to C.A. Elliott, Officiating Secretary to Government, North-Western Provinces (no date).

Through the theme of sodomy and prostitution, then, Eunuchs generally, and the *hijra* specifically, were constructed as a classificatory receptacle for sexualities that were deemed 'deviant' by the administrators of the Act. Through the 'rape narrative' and the construction of childhood, this theme linked the figure of the *hijra* -- and, implicitly, the other groups that became associated with them -- with the immoralities and depravity of the 'natives', one that disrupted the so-called humanitarian project implicit in colonial governance. Moreover, this theme emphasised concerns over affronts to and deviations from masculinity as of primary importance.

### ***Constructing the Child in the Colonial Context***

As indicated above, another point that arises from these legislative accounts is that the notion of childhood was being transformed. To understand both the timing of the flashpoint of concern that necessitated the Act and the discourses that the Act articulates, it is important to examine this topic. In the nineteenth century in Western Europe, the notion of childhood was undergoing a process of establishment; that is, its meaning was being anchored (Hendrick 1990). This can be seen in the ways in which children were mourned; whereas their deaths were lamented in the mid- to late-nineteenth century, they were only marginally grieved for in Western Europe before this period (Zelizer 1985). Part of this alteration in childhood had to do with producing a difference between the adult and child[276]. As summarised by Sharon Stephens (1995), "the 'hardening' of the modern dichotomy of child/adult ... was crucial to setting up hierarchical relations between distinct domains of social life -- the private and public, consumption and production, objective need and subjective desire -- upon which modern capitalism and the modern nation-state depended" (6). Certainly, through legislation of education and laws that put children under the gaze of nation-state, the field of childhood was one that was used to construct the ideal citizen (Rose 1999); in fact, the nature of childhood as undifferentiated by class, race, culture, or gender has been conceived of by many scholars as a trope for the universal citizen. In the words of Lauren Berlant (1997), "the fetal/infantile person is a *stand-in* for a complicated and contradictory set of anxieties and desires about national identity" (6), anxieties and desires of whose subjectivity, forms of intimacy and interests, bodies and identifications, and heroic narratives will represent the national future.

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[276] For an example of how this was done in the colonial context, see the Age of Consent controversy of 1891 (see Sinha 1987).

In the colonial context, the universal citizen that is evoked through the notion of the child is a masculine one, at least in the Eunuch Act. The concern for affronts to and issues of masculinity over those of femininity demonstrate how the figure of the child operates in this piece of legislation. Furthermore, the language of extermination that is evoked against the violators of this child constructs an Other to the citizen: not only one that is that is devoid of certain rights, but one whose very existence should be terminated. Through this process of representation, the figure of the child and the Eunuch were diametrically opposed in a hierarchy of value, discursively positing the former as the universal citizen and latter as the repugnant and disgusting (i.e., devalued in terms of a moral aesthetic) Other.

Next, I want to focus on how the creation of the 'child as victim' presented another link in the emerging colonial nation-state. Like legislation against *sati*, the *thuggees*, and slavery, in the colonial imagination, laws that were understood to protect children represented the humanitarian impulse of Empire. Through the legislative and judicial events discussed above, the colonial nation-state is being articulated as an entity that must protect the rights of children, thereby taking on a paternal role. Part of the reason for this is that victimisation of the child, especially insofar as the child is considered passive, is based on the attribute of innocence: "Implicit in the presentation of sexual abuse is the 'violation of childhood' is an assertion of what childhood 'really' is, or should be"

(Kitzinger 1990: 158). Through such a constructed characteristic, the role of the state as protector of the innocent becomes established in the British imagination. Yet, this altruistic sentiment also obfuscates issues of exploitation and power in colonial regime (Burman 1994). That is, by presenting itself as compassionate and just, the colonial nation-state counters critiques of itself as despotic and destructive.

The construction of the figure of the child is also a point of intersection of a variety of different representations. As Gaile Cannella and Radhika Viruru (1994) argue, these significations of childhood include the ostensibly Western ideals of dualism, progress, and reason. However, given the imperial discourse of civilisation and progress, this juncture represents a point of significance. Drawing on the narratives of Herbert Spencer that posit a linear evolutionary progression of civilisation, Cannela and Viruru assert that the children of Western Europe were thought to be more 'advanced' than children in other countries, a belief that was "because of the progress make [*sic*] by Western European civilization" (89). The child, then, served as a marker of the 'progress' of civilisation; it represented levels of progress and civilisation by which other cultures were evaluated. Thus, the 'child as victim' pointed to the immorality and 'barbaric' nature of India in the colonial imagination, which located it along an ostensible spectrum of civilisation that featured nations such as England as more progressive and civilised. Such a reference served to validate the need for a colonial government that kept such injustices in check.

Therefore, this legislation must be understood in the context of the establishment of a notion of childhood. This notion served several purposes. First, at the broadest level, the child constructed the ideal/universal citizen, especially as male. This is further captured by its contrast to the Eunuch in the hierarchy of value exemplified by this legislation. Second, in terms of the 'child as victim', this idea constructed the paternalistic nation-state, insofar as it protected the innocent, as just and compassionate, while, at the same time, representing the Orient as immoral in their treatment of the innocent child.

### ***Transvestism***

Another related theme that emerged in the Act was that of transvestism. However, it is important to note that wearing women's clothes was not itself illegal[277], but was prohibited for eunuchs who were registered. Yet, eunuchs were registered based on suspicion of engaging in improper activities, one of which was cross-dressing. Thus, even though it was not explicitly unlawful, dressing in women's clothes would make the authorities suspect an individual of being a eunuch, and thereby they would include him on the eunuch registry; such inclusion would then make the wearing of such clothes illegal.

Clothing has often served as a signifier of identity. Marjorie Garber (1992), for instance, asserts that in medieval and Renaissance Europe, there were certain dress codes -- sumptuary laws -- in effect; "[t]he ideal scenario -- from the point of view of the regulators -- was one in which a person's social station, social role, gender and other indicators of identity in the world could be read, without ambiguity or uncertainty" (26). In colonial India, vestments, especially those of the Indian population, signified particular relations. This is especially accurate of accounts of transvestism. Some writers found that men wearing women's clothes represented religious affiliation[278] (Elmore 1995[1913]; Francis 1906; 'The Lushais at home' 1903; Whitehead 1999[1921]). One such group of cross-dressing religious devotees is the *Sakhibhava*. According to Wilson (1855), the *Sakhibhava* are: "A sect of Hindus in Upper India who especially worship Radha, the mistress of Krishna" (455). Agreeing with this description, Sherring (1974[1872]) states that they are a religious caste, a "sect of Hindu [male] devotees paying special attention to the qualities of female deities. They live like women, and wear their dress" (264). This group, then, are men who worship a Goddess, Radha, and dress and act as women do (Balfour 1967[1885]; Ward

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[277] This subtle point is missed in Gayatri Reddy's (2005) account of the law in her otherwise excellent work.

[278] This theme is a popular one in many accounts -- both colonial, post-colonial, and indigenous -- of various religious figures, including Chaitanya and Ramakrishna. For instance, Chaitanya was said to worship Radha with such devotion that he became inseparable from her, even dressing like her (Vireswarananda 1929) and 'played at' menstruation (Roy 1998). However, colonial descriptions had a particular flavour; Crooke (Risley *et al.* 1907-1909) and Ward (1970[1822]) both understood Chaitanya's teaching as uncomfortably erotic and, therefore, dangerous.

1970[1822]). This class of persons was included in the Eunuch Act under the guise of the *sakies*, which I discussed above.

Other groups were brought under the judicial gaze, because of their choice of clothing. A group of hermaphrodites in the Muttra District, for example, were registered as eunuchs because of their garments. While these hermaphrodites petitioned the government against such inclusion in the jurisdiction of the Eunuch Act[279], they were denied[280]. Also, a group of ten hermaphrodites in the Gorakhpur District faced the same challenge, but were referred to the local government for decision[281]. After a mandatory medical examination, to determine the nature of this group's sexual characteristics, nine were found to be 'deformed' and the last was discovered to be a eunuch[282]. Despite the demands to include these persons in the jurisdiction of the Act, there were no references to illegal activities in these correspondences. Just like the other groups that were subsumed under the *hijra*, these inclusions under the Eunuch Act served to construct the category of *hijra* as one defined by transvestism, a classification that necessitated governance.

This illustration points to an important signifier of transvestism: sodomy. Dubois (1906[1897]) links the two through his discussion of the cross-dressing prostitutes of India. This relationship is also posited as the reason that dressing in women's clothes is grounds for suspicion of being a eunuch in the enforcement of the Eunuch Act. In one letter, A. Colvin, Officiating Secretary to the North-Western Provinces Government, in his discussion of the non-eunuchs dancing and singing in female attire, suggests that an application of Section 377 of the Indian Penal Code be applied[283]. Also, in the case of Queen-Empress versus Khairati on the 31st of January, 1884 (Subramaniam & Krishnaswamu 1915), the judge, J. L. Dennison, remarked that: "when [the accused] admitted to the wearing of female garments, [he] conceded the most important fact as to his public habits" (604). Cross-dressing was taken as evidence of habitual sodomy. Furthermore, having women's clothes were deemed to be "appliances of their unnatural habits" by these officials[284]. Such apparel is so connected to vice that at least one official sought to make the ownership of such garments by eunuchs illegal; in one report, the "District Superintendent of Keri also proposes that all women's dresses, musical instruments, &c., shall be taken from eunuchs"[285]. According to this report, the 'appliances' should be sold and all proceeds given to the eunuchs.

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[279] B.L.: IOR/P/707. Judicial Proceedings of the Government of India, Home Department (September 1874).
[280] B.L.: IOR/P/97. Proceedings of the Government of the N.-W. Provinces, in the Judicial (Criminal) Department (1875).
[281] B.L.: IOR/P/1614. Proceedings of the Government of the N.-W. Provinces, in the Judicial Department (1881).
[282] B.L.: IOR/P/1614. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to Personal Assistant to Inspector-General of Police, North-Western Provinces and Oudh (6th July 1881).
[283] B.L.: IOR/P/97. Letter from A. Colvin, Officiating Secretary to Government, North-Western Provinces, to E. Tyrwhitt, Inspector-General of Police (12th August 1875).

Thus, transvestism was used to include still more groups under the jurisdiction of the Act, indirectly constructing gender deviance, in the form of cross-dressing males, as criminal. Yet, it also served as a signifier for sodomy, and was thought to directly and legally indicate such sexual practices. The Act constructed Eunuchs, which had as its primary referent the *hijra*, as vehicles of sodomy and transvestism; that is, dressing in an unmanly fashion was considered the same as displaying so-called deviant sexuality. Masculinity in dress was being linked with divergence from heterosexual relations, and was thereby criminalised.

### *Criminal Vagrancy*

Aside from the criminality associated with kidnapping and castration, sodomy, and transvestism, eunuchs faced the rather blatant association with the criminal tribes, because of the inclusion of the Eunuch Act as Part II of the Criminal Tribes Act. Criminal Tribes were groups of people who were thought to be 'addicted' to crime because of their relationship to their caste or tribe; that is, a life of crime is hereditary for these people. Certainly, this Act was not the first attempt to control this group of people; many attempts had been made to control groups such as the *thuggees*. However, in the words of Sanjay Nigam (1990):

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[284] B.L.: IOR/P/2208. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to H. B. Webster, Inspector-General of Police, North-Western Provinces and Oudh (26th June 1884).

[285] B.L.: IOR/P/1614. Report from O. L. Smith, Deputy Inspector-General of Police, North-Western Provinces and Oudh, to Personal Assistant to Inspector-General of Police, North-Western Provinces and Oudh (6th July 1881).

> ...the systematic arrangement for the control of groups proclaimed under the Act of 1871, marks it out from these earlier measures. The reformative discipline now envisaged was for the first time clearly set out and put to work under the rules promulgated by the Act. The criminal tribes were thus enclosed within an extraordinary space: a network of registration, inspection, limitations on movements, passes and the roll-call had now been elaborated by the state for this very special purpose. (257-258)

The colonial government established this Act as part of a project to ensure peace, law, and order in the colonial context, an intention that obfuscates the Sword of War. Through the discursive connection between Eunuchs and these ostensible tribes, another layer of criminality was imposed on the *hijra*: that of vagrancy.

Vagrancy in the colonial imagination had criminal associations. In England, vagrancy represented an identifiable group of discontents: "By the mid-19th century, the idea of the 'dangerous classes' -- who were composed of the unemployed, vagrants, the poor, criminals, drunkards, and prostitutes -- was firmly ensconced in Victorian thought, and a common discourse identified their physical characteristics, habits, and locale" (Tolen 1991: 108). Part of the reason for this was that they symbolised a challenge to the property relations that served as the basis of many of the social relations during the Victorian period. In the South Asian context, vagrancy was connected to crime through the discourses around the *thuggees*[286] (Major 1999; Singha 1993). However, more than just being linked to the *thuggees*, vagrancy signified a challenge to colonial values. In the words of Richard Tolen (1991), "Criminal castes in India, like vagrants in Britain, represented an obstacle to the institution of the British ethic of work-discipline" (112).

The association of eunuchs and criminal tribes was not just an administrative one, which saw the two linked in a single piece of legislation for reasons of convenience. Certainly, some legislators such as C. A. Elliot maintain that there is no connection with the Criminal Tribes Bill and the Eunuch Bill, and therefore the two should be legislated separately[287]. However, many others asserted that Eunuchs shared another quality with these so-called tribes: both groups were thought to be vagrant[288]. C. A. Dodd, for example, "recommended that eunuchs should be included in the draft law for registration and surveillance of professional criminals and the wandering predatory tribes of India"[289]. These words were echoed almost *verbatim* by fellow government official, F. O. Mayne[290]. Not only were eunuchs compared to the Criminal Tribes, but it was thought necessary to restrict their movements. In a letter from J. F. Stephen, he states that "I would forbid them to ... wander without leave"[291]. During the debates over the Criminal Tribes Bill, one solicited advisor had this to say about the *hijra*: "[This] class should have certain fixed residences assigned, these not going beyond the limits, except under certain restrictions and conditions"[292].

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[286] Also, many colonial writers contend that some of the criminal tribes were the precursors to the European gypsies (Crooke 1906, 1971[1897], 1973[1907]; Dubois 1906[1897]).

One discussion that makes the relationship between Eunuchs and vagrancy evident is one in which various administrators debated whether to impose a pass system on to eunuchs. Although it eventually failed, the proposed system would track eunuchs based on passes that they would have to carry at all times. Originally suggested by E. Tyrwhitt, Officiating Inspector-General of Police[293], this proposal would create a system of passes to monitor eunuchs specifically. In his reply to Tyrwhitt, R. T. Hobart, Deputy Inspector-General of Police, agreed with the proposition, elaborating that eunuchs would not only be prohibited from travelling outside of his village, but that they could not move outside of "the limits of one police station to those of another within the same district"[294]. In fact, a eunuch would be made to report to the police station each time he traversed a police circle or district. The punishment for breaking this proposed legislation would be the same as would be inflicted on a member of the criminal tribes who were caught violating their rules. The Officiating Secretary to North-Western Provinces and Oudh Government finally put an end to this planned system, insisting that it was too restrictive of the freedoms of the eunuch population[295]. Nevertheless, it is clear that the eunuchs were despised and feared, at least somewhat, because of their vagrancy.

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[287] B.L.: IOR/L/PJ/5/14. Letter from Officiating Secretary to Government, North-Western Provinces, to Officiating Secretary to Government of India, Legislative Department (21st April 1871).

[288] Another overlap between the Criminal Tribes and Eunuchs is the role of Goddess-worship, which I discussed in the last chapter. While this shared characteristic was rarely explicitly articulated by colonial writers, it was nonetheless ubiquitous.

[289] N. A. I.: H. D. P., 30-09-1871, 'Crime of kidnapping for immoral purposes in the North-Western Provinces'. Circular No. 25 from C. A. Dodd, Personal Assistant to Inspector General of Police, North-Western Provinces, to All District Superintendents of Police, North-Western Provinces (29th August 1868).

[290] B.L.: IOR/P/95. Note from F. O. Mayne, Inspector-General of Police, North-Western Provinces, in Lieut.-Colonel Tyrwhitt's *Report on the crime of Kidnapping* (21st February 1870).

[291] N. A. I.: H. D., J. B., 30-07-1870, #55-59 (A) 'Legislation against eunuchs'. A letter, by James Fitzjames Stephen (4th July 1870).

[292] B.L.: IOR/ L/PJ/5/14. Syud Ahmed Khan Bahadur's reply in the debates around the Criminal Tribes' Act. (no date).

[293] B.L.: IOR/P/839. Letter from E. Tyrwhitt, Officiating Inspector-General of Police, to B. W. Colvin, Officiating Secretary to Government, North-Western Provinces (3rd July 1876).

## Conclusion

This chapter has outlined a broad trajectory in the representation of the *hijra* in law, during the nineteenth century. In the early part of the century, this class of people were viewed with curiosity and repugnance, but there were few calls to govern them. The tolerance with which they were treated was largely a product of the colonial ideology of 'Oriental' rule, with which the British represented their relationship with South Asia. Furthermore, the characteristics associated with the *hijra* were in flux, as was their perceived criminality. By the middle of the century, the representation of this group had changed. While the associated attributes of the *hijra* were becoming more static, although not completely, they were increasingly being constructed as requiring colonial governance. In fact, the continual rediscovery of this group by legal officials in the 1850s points both to their being outside of the legal discourse and their worthiness of governance. Yet, in spite of this, they were still treated with a degree of tolerance; there was an articulated concern for their well-being. In the later part of the 1800s, beginning with the moral panic of the 1860s, the representation of the *hijra* changed. Not only did their characteristics become more established, partially because of the Eunuch Act, but their criminality was of great concern, to the degree that they were often referred to in the language of extermination; the tolerance with which they were previously treated was gone. Part of the reason for this change is the anger directed towards the 'natives' that the British demonstrated, following the so-called 1857 Rebellion. Also, changes in the construction of the child, especially as it evoked the emerging nation-state, were responsible for such a transformation.

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[294] B.L.: IOR/P/840. Letter from R. T. Hobart, Deputy Inspector-General of Police to E. Tyrwhitt, Inspector-General of Police, North-Western Provinces and Oudh (2nd March 1877).

[295] B.L.: IOR/P/840. A Letter from C. Robertson, Officiating Secretary to Government, North-Western Provinces and Oudh, to E. Tyrwhitt, Inspector-General of Police, North-Western Provinces and Oudh (3rd April 1877).

Through these legislative regimes, the body of the *hijra* was inscribed as a biopolitical body; that is, the *hijra* were translated so that they embodied the social concerns of the always-emerging colonial nation-state. The castrated body of the *hijra* was endowed with metaphoric meaning, representing a site of the discursive architecture of Empire. Metaphorically, then, such a corporeal form of the *hijra* stood in for the social, allowing the social to be governed. By defining it in terms of qualities represented as morally unaesthetic and criminal, colonial depictions of this body became a site in which these traits were deposited, governed, and disciplined. In this way, characteristics such as impotence and castration, sodomy and male prostitution, transvestism, and vagrancy could be discursively governed, through their association with the systematically devalued bodies of the *hijra*. Yet, in locating these traits in the body of the *hijra* in such a way as to enable their governance, the contradictions in colonial law, especially between its twin roles of Sword of Justice and Sword of War, were resolved with the *hijra*. In other words, the contradiction between holding up a just order and one that must discipline and punish is foreclosed. This is achieved through two processes: first, by obfuscating the traits to be governed in the bodies of the *hijra*, the role of law as a tool of governance is hidden; second, in making the *hijra* morally unaesthetic, if not criminal, the punishment of these characteristics appears just. Thus, within the nodal point of the *hijra*, the legal contradictions are settled, thereby creating Empire and avoiding its own Ruin. Furthermore, insofar as the legal codes placed the bodies of the *hijra* in a hierarchy of value, such that they were devalued, the bodies of the *hijra* signified a depository of all (or, at least, many) of the attributes that were devalued. In fact, as these biological signifiers were compared and contrasted to the bodies of children, especially in their construction as the universal citizen, the evoked economy of value had, at opposite ends, the paternalistically valued citizen of the child and the devalued *hijra*.

The colonial nation-state, which arose with the moment of each jurisdictional dispute, emerged with these changes in representation. As the characteristics of the *hijra* became established, so did their associated attributes. Connecting the *hijra* to a moral aesthetic and Cryptocrystalline Orientalist (which eventually increased in scope to include other South Asians generally) discourses of immorality, slavery, and despotism, colonial legal accounts constructed an indigenous context in which colonial governance was necessary. Also evoked by the construction of the 'innocent' child, especially insofar as it represents a universal citizen who needed protection, the nation-state was increasingly being called into being by these jurisdictional disputes.

One site that this was evident is in the move from a particularistic model of law to a universalistic one. Whereas early representations of the *hijra* evidenced the predominance of the former, which embodied the ideology of 'Oriental' governance, later depictions of the *hijra* demonstrate that this class was increasingly being examined through a universal governing gaze. The contradiction in law between the Swords of Justice and War was being sutured in the cases of the *hijra*; the ideology of 'native' governance was being replaced by one of colonial governance, with the *hijra* functioning as a site in which this was justified. This is exemplified in the way that early accounts of the *hijra* represented their Otherness as less important than the value placed on Muslim custom, while later narratives depicted the *hijra* as evidence that Muslim law should be eliminated. In fact, the Otherness of the *hijra* evoked an imagined community. While the imagined community implied in colonial legal accounts was heterosexual, masculine (as was captured in the value of the male child as universal citizen), and was constituted by two sexes, the Other to this community -- the *hijra* -- was sexually 'deviant', digressed from masculine norms, and was of the third sex. Consequently, the criminalisation of this class and the language of extermination with which the *hijra* were described point to a discursive attempt to contain the Other. As such, it was the nation-state that was evoked as the guardian of the imagined moral community, and who represented the interests of those to whom the *hijra* was Other. Moreover, the *hijra* was translated in terms of the moral aesthetic as devalued and opposite to the citizen, embodied in the figure of the child. In this way, the *hijra* was the figure against which the category of citizenship was constructed.

By the 1880s, the moral panic had abated. No longer were administrators and legal officials worried about the Eunuch population. Certainly, reports were still generated as a product of the Eunuch Act, but much of the flurry of correspondences had ended. In this context, as I discussed in the previous chapter, attention turned to constructing a consensus on what characteristics were associated with the *hijra*.

## Chapter Nine -- Epilogue

In this, the final chapter of this project, I will provide a brief summary of the previous pages, with attention to how the colonial nation-state has emerged in these accounts of the *hijra*. Specifically, I will argue that, by studying Empire as a discursive architecture, and the *hijra* as a nodal point of that architecture, it can be made evident how Empire was constituted and transformed through the nineteenth century. Following this, I will discuss some of the implications for these arguments for the present. In this way, I am going to connect the temporal rift between the historical context of the dissertation and its writing, summoning forth Empire into the 'now'.

Through this archaeology/genealogy, one that was informed by both the work of Jacques Lacan and Michel Foucault, I have argued that the *hijra* have served as a nodal point (or, keeping with the metaphor of architecture, a keystone[296]) for the discursive architecture -- envisioned along two axes: a symbolic order and a historic *a priori* -- of Empire, especially through the emergence of the colonial nation-state in South Asia. The main sites in which the *hijra* anchor Empire, as a political rationality of government and of institutions thereby constructed, are: Cryptocrystalline Orientalism; the ideology of 'Oriental' rule; suturing regimes of the sexual body; masculinity and citizenship; and the moral aesthetic. Through studying the *hijra* as a subject position, translated from an Indian conceptual framework into a colonial one, the representations of this class of person in the various British accounts demonstrate several themes, which, in turn, demonstrate how the British used such portrayals as part of the nation-building project. One of the dominant themes is the changing depiction of *hijras*, in terms of many of their characteristics. In fact, according to the texts of the late eighteenth and nineteenth centuries, the signifier of *hijra* moved from one that slipped and slid all over the semiotic field in the early part of the period, to one that became rather established in the later era. By tracking this changing portrayal of the *hijra*, I am exploring the ways in which the colonial nation-state was articulated, and thereby called into being.

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[296] This is the top piece of an arch that, if removed, results in the destabilisation of the entire structure. In this way, the keystone is what separates Empire from Ruin.

One of the main arguments that this dissertation makes is that there was a significant difference in the discursive architecture of Empire between pre- and post-1850 India. However, this must be qualified with two caveats. First, there was significant deviation within both of these periods. For example, in the late 1700s to the early 1820s, there was an acceptance of the customs of the *hijra* as traditional. However, this was being questioned in the 1830s by several colonial officials who wished to remove the *hijra*'s right to hold *inams*. Indeed, as discussed in the first chapter, the justification of removing the rights of the *hijras* to hold *inams* in the 1840s[297] was markedly different than in the 1850s[298]. Also, whereas the 1860s saw a moral panic that inflamed the moral sensibilities of colonial administrators to persecute the *hijras* as kidnappers and castrators of young boys, they were not depicted in the caste-terms that they would be in the 1880s. Yet, through these very different decades, one can see a trajectory: the representation of the *hijra* slowly changed to produce a colonial nation-state that was characterised by increased governance. That is, the contradictions -- for instance, between the Sword of Justice and the Sword of War -- that had been present in Empire were pushing it in a particular trajectory. The shift in how the *hijra* were translated in the 1850s was partially present in much of that which preceded this decade. Indeed, much of the attitudes surrounding governance were already in play before this happened.

Second, the rupture in the 1850s was not due to just the 1857 Revolution. The transformations in Empire that were represented by the depictions of the *hijra* did not come out of just the 1857 Revolution. Many of the characteristics that became associated with the subject position of the *hijra in* the 1850s were present in discourses just previous to the 1857 events. This is particularly evident in the court cases in the 1850s, which I discussed in the previous chapter, and the medical discussion of the *hijra*, which, in chapter five, I examined as not only indicating semiotic reassignment, but as a key point at which the figure of the *hijra* was used to differentiate between hermaphrodites and eunuchs in such a way as to govern deviations from the two-sex model.

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[297] Such a right was denied to them, not because of their unnamed/unnameable profession prior to the 'British accession', but because of the indeterminacy of the validity of their right to inherit in the eyes of the larger community.

[298] Unlike the reasons of only eight year previous, the official reason for denying them this right was because of their 'scandalous breach of public decency'.

Still, the importance of the 1857 Revolution cannot be understated. The trajectory of changes in Empire was accelerated through the Revolution. While there was a move to a colonial nation-state with increased governmentality, it was with the events of 1857 that those who had such augmented governance as their agenda found the justification that they needed to champion their perspective. That is to say, the internal conflict in Empire, between the Sword of Justice and the Sword of War, saw an escalation of the latter because of the events of 1857. Consequently, through the transformations in representation of the *hijra* that arose after this date, the evident concerns with this class as sodomites and kidnapper of male children -- with the colonial construction of childhood that this entailed -- point to an ideology that emerged out of the Revolution. Such an ideology was used to advocate for greater governance, as is evidenced by the authority granted to the British Crown, not to mention the 1860 Indian Penal Code.

Thus, before 1857, the *hijra* were considered curiosities. They were somewhat tolerated, if depicted in terms of a less-than-positive moral aesthetic. Indeed, in the early 1850s, they were translated as receptacles of immorality, as is evident in the semiotic reassignment evident in the medical texts. Certainly, the colonial authorities attempted to remove some of their rights; however, as the debates around their privilege to hold *inams* demonstrate, even as late as 1852, such officials still demonstrated a concern for their general well-being. Furthermore, the accounts of the *hijra* were written by mostly travellers, missionaries, and employees of the East India Company. While some state officials did comment on this group, mostly in the context of other issues, representatives of the government paid little attention to this group.

However, after this important date, they were constructed as a problem, worthy of governance. Instead of curiosity and tolerance, they were viewed as necessitating extermination. Furthermore, in their translation as sodomical cross-dressing prostitutes who kidnap and castrate male children, they were criminal. This culminated in the translation of the *hijra* in various government-sponsored/ordered knowledge-gaining projects, which were designed to collect data on the population in order to control them.

Constitutive of this transformation of Empire are several themes that I will briefly review: the *hijra* were sensible within the context of Islam and all it represented in the Crystalline Orientalism of the colonial imagination; they were hermaphrodites who upset the European two-sex model; insofar as they were associated with eunuchs, they were intelligible in the framework of impotence and divergence from colonial masculinity, especially as such invoked criminality; and through the biopolitical power of the censuses, the *hijra* were represented as a single aggregate, notably when the failure of Empire was evident. Throughout this review, the ramifications for Empire of these representations will be emphasised.

One way in which the representation of the *hijra* was intelligible was in the framework of their embodiment as 'deviant', albeit deviant from colonial sensibilities. Through a connection to the *khoja*, the *hijra* were translated during the early nineteenth century in such a way as to link them with a certain representation of Islam, which I have termed Cryptocrystalline Orientalism. This relationship served to construct the governmental regime prior to the British as despotic and, thereby, the British one as just. Yet, this relationship altered in the mid-nineteenth century, when the *hijra* were translated as separate from the *khoja*, through the process of what I have called semiotic reassignment. This strategy of representation attempted to navigate the contradictions between Orientalism and the ideology of 'Oriental' governance, without which the instability of Empire as a discursive architecture could descend into Ruin. That is, the nation-state that was being evoked was one that was being constructed as coherent and rational -- in other words, modern -- despite the continued existence of such contradictions. The modern nation-state project was failing, allowing the colonial nation-state to materialise. Furthermore, this association of the *hijra* with Islam produced an ideology within which the latter was represented as immoral, and in need of 'proper' governance.

Also, the *hijra* was linked with the hermaphrodite, especially during the late eighteenth and early nineteenth centuries. Such a relationship, which, at times, was a conflation, allowed the three-sexed model of the 'natives' to be translated into the two-sex model of the British, thereby privileging the latter. However, like the connections with the *khoja*, these representations changed in the mid-nineteenth century. Depictions of *hijra* as hermaphrodites became increasingly rare, instead being replaced by portrayals of them as eunuchs. Through such a manoeuvre, the pejorative characteristics of the hermaphrodite were transferred onto the eunuch, constructing it as abhorrent. Insofar as this ostensibly transgressive figure violated the 'naturalness' (especially in medical terms) of the two-sex model, it was despised. Through these accounts of the hermaphrodite and the *hijra*, the nation-state that was called forth was one that fit in the British understandings of an Indian framework that they could use to enable their own Imperial project; that is, it translated the 'native' political sphere in such a way as to allow governance with which the colonial regime was familiar. In fact, this was done in the same moment as the scientific model, represented in the medical discourse that was privileged through these representations, was championed, in such a way as to further define the 'natives' as uncivilised and, therefore, in need to governance.

The relationship between the *hijra* and eunuchs, however, was more complicated. In discussing a body of translations -- a regime of translation -- that British translators used to provide a context in which to understand the *hijra*, I have argued that the British reduced the complexities of the differences between the indigenous sexual system and the British two-sex model to a single figure, which they constructed in terms that defined it as Other: exclusion and gendered deviance. Through this regime of translation, the ostensibly indigenous conceptual framework was translated into British terms in such a way as to privilege the latter. Through this translation, the laws with which the British administered the legal sphere singled out this emerging figure of the eunuch as a receptacle for criminality, thereby discursively linking such criminality with the domain of impotence and deviations from masculinity. Furthermore, a social group that became identified with the *hijra* were constructed, born in this semiotic forge of Otherness. Through these translations, then, a project of governance materialised, which attempted to make the 'natives', in Macaulay's terms, 'a class of persons, Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect'.

This construction of the idea of the *hijra*, founded in various indigenous texts, eventually found a place in the bio-technology of the state-sponsored censuses, in which the floating signifier of the *hijra* was anchored. Through this governmental project, the *hijra* were reified as an aggregate, with certain characteristics that were, to a degree, agreed upon by colonial administrators. However, it is also clear that this consensus is a fraught one, with many sites of conflict and disagreement. This represents how Empire as a discursive architecture is both architecture and Ruin; at the site in which it comes into being, the Imperial project is unstable and can only become Empire if the semiotic field is controlled. The censuses demonstrate this quality of Empire. Even though the surveys reported that the *hijra* were not all men of a certain religion, the commentators on the censuses had to control the meanings of this class, sometimes choosing to ignore the females in their ranks and to define the different religions as different sub-castes of *hijra*, while, at other times, choosing to explain these deviations in other terms. Through these translations of census results, the British still attempted to maintain a representation of the *hijra* that depicted them as a single aggregate with particular qualities that demanded governance through moral intervention (especially in terms of the despotic Muslims and debauched Hindus), while also demonstrating the success of the Imperial project in eliminating their presence.

As I discussed above, the mid-nineteenth century represented a key point in the transformation of the representation of the *hijra*. By examining the judicial and legislative spheres, I have argued that Revolution of 1857 had an enormous effect on the emergence of the colonial nation-state. With this event, processes that were already transpiring were given the ideological nudge that they required, in the form of a justification for the Othering of the 'native' population, evident in the existence of a 'rape narrative'. Furthermore, the contradiction between the 'modern' nature of the attempted nation-state project and such Othering was exacerbated. All of these points emerged in the changes in the representations of the *hijra*.

Central to this project is the importance of translation as a mechanism of power. There are two aspects of language that emerges out of this work. First, as I argue in chapter six, language represents a framework across which meaning slides. That is, language is limited; for example, how can words such as *kliba*, *shandha*, *pandaka*, *napumsaka*, *tritiya prakriti*, *varshadhara*, and *kenaung* be translated into English, which possibly has no parallels? However, the very nature of translation -- not only of languages, but of cultures, legal systems, institutions, and the like -- speaks to limits that must be traversed; in any context in which translation is necessary, the boundaries of meaning must be dislocated. Not only do Sanskrit and Pali words have to be translated into English, forcing the semiotics inherent in the fields of both languages to come up against their limits, but institutions, legal systems, and cultures also have similar difficulties in translation. Thus, the second aspect of translation is that the navigation between the divergent conceptual universes that are presupposed by such semiotic fields represents a point of dispute. This site of negotiation is one in which power is articulated. It is through the site of translation -- a few examples of which are culture (chapter five), language (chapter six), and law (chapter eight) -- that control over meaning is fought over and lost. Certainly, this is a dialectical process, with the resulting translated form being different from that of either the originals; however, it is still a site of conflict and negotiation, in which power can be articulated.

The discursive architecture of Empire is a translation; it is a translation of judicial logic, language, social forms, culture, and conceptions of sexuality, gender, and aesthetics. Through this apparatus of Empire, the *hijra* is a central point around which these translations are articulated. Through these various representations, the *hijra* continually emerged as a nodal point of Empire, one that was translated in various contexts. It anchored the colonial nation-state at the sites of various debates: Cryptocrystalline Orientalism; the ideology of 'Oriental' rule; the suturing of the gender regimes; masculinity; the moral aesthetic; and others. These themes summon forth a colonial nation-state that enabled Empire in an immanent fashion, one that hid its links to power. In this project, then, I have explored how the *hijra* was translated as a nodal point, thereby making the unconscious and invisible Empire visible.

However, as I discussed in chapter three, this narrative of Empire can only be understood in the temporal context of the author. This storyline speaks, not of the Real of History, but to the present as a fusion of horizons. What does the plot of my narrative tell us about the now?

One of the most important ways that this project speaks to the now is through my theorisation of Empire. Understood as a discursive architecture, Empire often is present at each point of translation and 'contact zone' between cultural groups; yet, because it is a historic *a priori*, it can be examined with attention to the fields of force. By using this theoretical model, then, Empire can be used to examine many types and varieties of intercultural communication, especially insofar as translation between two 'cultures' is takes place in a context of governance (especially in terms of the construction of subjects). Not only is this concept a way to understand the process of globalisation, one that calls for sensitivity in the ways in which power can be found in the moments of translation, but it provides useful ways to examine the manner in which Imperial legacies continue in nation-states.

This last point speaks to one of the central themes of this project: the relationship amongst citizenship, sexuality and gender. Indeed, through the examination of this relationship, this dissertation alludes to how Empire was involved in this association well beyond nineteenth-century British India. The problem of this connection exists in the current moment, through debates around same-sex liberties (i.e., access to state-sanctioned institutions such as marriage, adoption, and participation in the military, as well as to state-governed sexual practices, such as anti-sodomy laws in some areas of the world[299]). Why do ostensibly modern nation-states deny citizenship rights to those who are defined as sexually 'deviant'? While my project cannot definitively answer this, it does point in directions that are important. For example, the role of Othering people on the basis of their variation from prescribed sexualities is a reoccurring one. Notably, this so-called divergence is often read, particularly in issues of same-sex marriage and adoption, in the context of children. This intersection of Othering and the construction of childhood can prove a fertile site of investigation on the role of Empire.

Related to this issue of queer citizenship is the role of gender and Empire, specifically, masculinity. Throughout the preceding pages, masculinity has re-emerged as an important discourse of Empire. Part of the reason for this is that masculinity is imbued with particular meanings that are related to governance. That is, masculinity is the phallic signifier that evokes governance. Given that governance is a form of agency and intention, and that masculinity as it has been constructed is the corollary to this, the two are perhaps *necessarily* wrapped up in each other. Empire as a discursive architecture, then, helps illuminate the role of masculinity in post-colonial politics that Paola Bacchetta (1999) discusses. She links the ways that the British denied citizenship to the colonised for deviations in masculinity to contemporary political practices of Hindutva nationalists in India. Unlike the British, however, the norm of masculinity of which the deviation results in the denial of citizenship is one that privileges Hindu articulations of manliness; "the primary Othered queer is the non-Hindu nationalist Hindu but, by extension, Hindu nationalists assign queer gender and sexuality to all the (queer and unqueer) Others of the Hindu nation, especially Indian Muslims" (143). In this way, my theorisation of Empire reframes Bacchetta's linking of masculinity and queer citizenship in the (relatively) contemporary by understanding the Hindutva context as referring to how masculinity is still articulated by Empire.

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[299] Anti-sodomy legislation existed in some states of the United States of America, for example, until the beginning of this decade; such laws were deemed to be unconstitutional by the 2003 Supreme Court case, Lawrence versus Texas.

Imperial processes have another contemporary effect. As discussed in chapter three, many academics have drawn on colonial accounts as representative of the Real of History. Having illuminated how these accounts are not innocent, but draw on a colonial unconscious, I assert that academic analyses that uncritically utilise these narratives implicitly continue their Imperial project. Consequently, academic productions of knowledge become complicit with colonial ones; that is, the power inherent in the construction of knowledge becomes normalised in academic accounts. This is not, of course, to say that academic accounts are necessarily suspect, but to demonstrate how Empire can use scholarly constructions of events as translations. In other words, if scholars merely translate the past into the present, Empire can also be carried forth, allowing the present to also be colonised.

Yet, in challenging some practices, my work here suggests some troubling consequences. For example, I have argued that, not only can some forms of sexuality not be named in language, but, in a related fashion, social institutions themselves -- such as law, religion, culture, etc...-- cannot be translated. This points to the inevitability of power in any translation process. In a world in which equality is valued, this suggests that such an ideal is impossible. This perhaps disquieting notion cannot be resolved in any decisive way, here. It is meant to trouble the present in such a way as to call for alternatives. If the inevitability of inequality haunts the reader, then I call on you to explore the reason for such haunting. What ideals are challenged by the necessity of power in discourse? By exploring this perhaps unconscious reaction to Empire, maybe a non-colonial unconscious can be brought forth, one that can challenge the invisible unconscious of Empire.

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# Appendix One -- Occurrences of the Term 'Eunuch' in Original Texts

In this appendix, I provide a discussion of various Sanskrit and Pali texts that I examine for occurrences of words translated as 'eunuch' in the colonial period. Specifically, I will provide a brief overview of the contexts of such usages of the term 'eunuch'. In doing this, I will situate many of the texts in their corresponding literary categories, categories which defined these texts as very important in the colonial imagination. The categories are the: *dharmashastras*; *Vedas*; *Brahmanas*; *puranas*; and *Vinaya Pitaka*. Furthermore, I will examine four other texts that exist outside of these categories, but were still considered important: *Arthashastra*; *Kamasutra*; *Milindapanha*; and *Mahabharata*. Through an investigation of these bodies of literature, the themes that I outline in chapter six will be understood in their contexts. Thus, while this is of relevance to my larger project, only a few specialists may find this discussion remarkable.

Of the many categories of Sanskrit texts that the British translated, there were few that were held in such esteem as the *dharmashastras*. These texts -- literally a code of moral conduct -- are a sub-category of the *smriti* writings, a body of literature which refers to that which is 'remembered', as opposed to *shruti*, which denotes that literature that has been 'revealed' or 'heard'. Part of the reason for the importance of this body of texts is that they informed the basis of Hindu law, or, more accurately, the law with which the British ostensibly governed the Hindus.

One of the most significant of these *dharmashastras* is the *Manusmriti* (the *smriti* of Manu), also known as the *Manavadharmashastra*. Many British writers thought that Manu's text was not only authoritative on matters of caste and morality, but that it was the primary work for judicial affairs (Arthur 1902[1847]; Anderson 1913; Betham 1908; Breeks 1873; Elliott 1869[1844]; Fawcett 1890; Long 1966[1862]; Mill 1826[1817]; Tod 1914[1829]; Wilson (1976[1877]). In the exemplary words of Edwin Atkinson (2002[1881]), Manu is "still the great authority on the systemic ethnography and cosmogony of the Hindus, and affords us further evidence of the existence of the belief that the majority of the border tribes were regarded as of the same stock as the Aryas, but degraded members of it" (ii. 282). Moreover, as Mountstuart Elphinstone, who held several prestigious roles in the *Raj*, such as statesman and governor, states: "The code of Menu is still the basis of the Hindu Jurisprudence; and the principle features remain unaltered to the present day" (82). This position of authority lasted the majority of the nineteenth century. In the twentieth century, however, British confidence in Manu's legitimacy as a reliable source met with doubt. As Herbert Risley asserts, in his *The Ethnology, Languages, Literature and Religions of India* (1975[1907-1909]), Manu is a "pious fiction" (54). One of the main reasons for Manu's fall from grace was that his theory of caste, which was one of the causes of his popularity as representative of Hindu tradition, was determined to be contrary to the perceived caste system in South Asia; that is, his role as an authority was challenged. For example, Edward Blunt (1969[1931]) does not give any credit to Manu, since his theory of the castes is incorrect; Manu, in the eyes of Blunt, is "an authority of no importance" (21).

In the *Manusmriti*, the British translators found several occurrences of the term 'eunuch'. There are, though, two Sanskrit words that were being interpreted to refer to this term. The first is *kliba*. The expression *kliba* was rendered as eunuch in several contexts: a priest cannot eat of a sacrifice completed by a eunuch (4.205); a woman can leave a husband who is a eunuch without losing her property (9.79); and eunuchs cannot inherit, but must be supported (9.201-203). In fact, according to the last passage, if a eunuch were to sire a son, that offspring could inherit. The first passage was represented as pertaining to eunuchs by several eighteenth- and nineteenth-century English renditions, including those of William Jones[300] (1796), Arthur Burnell (1971[1884]), and Georg Buhler (1964[1886]), while only Jones and Buhler translated *kliba* as eunuch in the last two. Indeed, in the *Manusmriti* (3.150), Edward Hopkins (1882-1885) understands *kliba* as eunuch in a passage that disallows them from practicing important sacrifices. The second Sanskrit term is *shandha*, which was translated as eunuch in the following contexts: a eunuch must not see a *brahmin* eating

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[300] Jones' translation was reused *verbatim* by Graves Chamney Haughton in his 1825 rendition of the text.

(3.239); a *brahmin* cannot take food from a eunuch; and if someone were to kill a eunuch, she/he would be punished by having to give a priest a load of rice straw, and a *masha* of lead (11.134). Whereas Jones and Burnell render all three passages to pertain to eunuchs, Buhler only depicts the first and last as concerning such castrati.

The second most important law-book is the *Yajnavalkyasmriti*. In fact, of the three central texts that the British explicitly used to formulate Hindu Law, the *Mitakshara*, the *Dayabhaga*, and the *Vyavahara Mayukha*, all are commentaries of the *Yajnavalkyasmriti*. Yet, despite that some scholars have asserted that this text is one of the most important of the *dharmashastras* (Vasu 1974[1909]), second only to the *Manusmriti*, there are few translations of the book in its entirety. The first such complete translation is by Vishwanath Mandlik, who, in 1880, published such a rendition under the title, *The Vyavahara Mayukha and the Yajnavalkya Smriti*. The only word that he translates to mean eunuch is *pandaka*, when he writes: "in the case of the killing ... of an eunuch, tin and lead should be given" (3.273). Yet, in his translation, he refers to both *kliba* and *shandha* as referring to impotent men. In fact, in the context of translating *kliba* to mean 'impotent man', Mandlik refers to Henry Colebrooke's interpretation of *The Law of Inheritance According to the Mitacshara* (1869[1810]) as authoritative in comprehending the text (2.140-141). In his translation of Jagannatha Tercapanchanana's (1874[1789]) commentary on various Hindu law texts, however, Colebrooke renders the relevant passage in the *Yajnavalkyasmriti* (2.143-144) as referring to eunuchs [*kliba*]; this translation is in opposition to Mandlik's rendering of *kliba* as referring to impotent men. By linking Colebrooke's rendition of *kliba* as eunuch to his own as 'impotent man', Mandlik evokes a connection between impotence and eunuchdom, one that I discuss in chapter six.

While Mandlik translates *kliba* as referring to impotent men, others render the word as indicating eunuchs. In Harry Borradaile's translation of Nilakamtha Bhatta's *Vyavahara Mayukha* (1865[1827]), for instance, he translates the same passage of the *Yajnavalkyasmriti* to refer to eunuchs (123). Also, in his comparatively later rendition, Jagannath Gharpure (1937) translates *kliba* as eunuch in the context of a particularly interesting passage. Reminiscent of an observation made by Gray (1908), this section describes a eunuch as one who should not be killed in battle (1.326). Others who rank with eunuchs in this context are weaponless opponents, one who is engaged in battle with another foe, one whose back is to the attacker, and one who is a spectator at the fight; this list therefore constitutes a category of those who cannot be attacked under the rubric of ethical warfare. Gharpure also depicts a *kliba* as one who is to be avoided (1.223). Moreover, the only non-*kliba* reference that is translated as eunuch can also be found in Gharpure: an offering from a *shandha* cannot be accepted (1.215). In the translated commentary of the *Mitakshara*, a *shandha* is said to be: "*a eunuch*, the third sex" (445).

In 1879, Georg Buhler translated several *dharmashastras* for the *Sacred Books of the East* series, edited by Max Muller. The first of these is the *Apastambasmriti*. In this text, Georg Buhler (1965[1879a]) represents *kliba* as eunuch twice: one passage indicates that *brahmins* cannot take food from a eunuch (1.6.18.27), and another section states that eunuchs cannot inherit (2.6.14.1). In 1848, John Mayne, in his *A Treatise on Hindu Law and Usage* (1953[1848]), agrees with the rendition of *kliba* as eunuch in the context of this legal usage. Also, in the *Gautamasmriti*[301], Buhler represents *kliba* as eunuch in two passages: when one offers food during the *shraddha*, or funeral offerings, one must not feed a eunuch (15.16); and, since he cannot inherit, a eunuch must be supported (28.43). Furthermore, he interprets *shandha* as indicating a eunuch in one section, in which it is recorded that the person guilty of killing a eunuch will owe a load of straw and a *masha* of lead (22.23). Buhler's English version of the *Baudhayanasmriti* renders only *kliba* as eunuch. In one segment, he records:

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[301] This translation contains an interesting note by the translator. While it does not refer to a eunuch, the text (17.17) states that the food given by a hermaphrodite, which is a translation from the Sanskrit *anapadesya*, must not be eaten. According to Buhler, Haradatta, one of the few commentators on the *Gautamasmriti*, states that "the explanation 'hermaphrodite' for anapadesya [is] the opinion of others. He himself thinks that it means 'a person not worthy to be described or named'" (264).

> He who is begotten, by another man, on the wife of a deceased man, of a eunuch, or of one (incurably) diseased, after permission (has been given), is called the son begotten on a wife (*kshetraga*)
>
> Such a (son begotten on a wife) has two fathers and belongs to two families; he has a right to perform the funeral oblations, and to inherit the property of (his) two (fathers). (2.2.3.17-18)

He links this to the *Vasishthasmriti* (17.14) and the *Dayabhaga* (2.60), where he notes that such a son is ranked second, below one that is the offspring of a religiously sanctioned relationship, in terms of inheritance rights. However, in another extract (2.2.3.27), Buhler translates *kliba*, not as eunuch, but as an 'impotent man'. What makes this significant is that the figure of the *kliba* points to the same situation in both passages; they both refer to the son of a *kliba* and discuss his place in terms of legal rights. In yet another section, Buhler refused to interpret *kliba* in the context of someone who must be supported (2.2.3.38), but seems to allow this category of person to be subsumed under the rubric of 'disabled persons' (footnote 232). Buhler's *Vasishthasmriti* includes two words that he rendered as eunuch: *kliba* and *shandha*. The former is present in three passages: eunuchs are to be avoided when giving funeral offerings (11.19); eunuchs are denied inheritance, but are owed maintenance (17.53-54); and, in another section, it is the duty of the king to support eunuchs (19.35). Mayne (1953[1848]) concurs with the linking of *kliba* with eunuch in the legal circumstance of inheritance law. In referring to *shandha*, Buhler notes that, not only should food be rejected if it is offered by a eunuch (14.2), but so should alms (14.19).

The *Vishnusmriti*, which Julius Jolly translated in 1880, has several terms that were translated as eunuch. *Kliba* was taken to mean eunuch, in two contexts: eunuchs cannot inherit, but are to be maintained by those who receive the wealth (15.32-33); and householders must avoid eunuchs (63.38). This last passage is interesting, as householders must also shun 'impotent men', which is from the Sanskrit, *napumsaka*; such a reference is significant because, once again, it demonstrates how impotence and eunuchdom are connected. The third Sanskrit term that Jolly interpreted to mean eunuch is *shandha*. According to the text, a king must provide eunuchs (*shandha*) for his wives, which Jolly takes to refer to guardians (3.21). Also, he translated *shandha* as eunuch in two more passages: if a person were to taste the food of a eunuch, she/he would have to pay a penance (51.09); and householders cannot accept gifts from eunuchs (57.14). However, in another section, Jolly does not translate *shandha* as eunuch, but, instead, interprets it to mean emasculated animals. This is interesting, since the quote refers to a situation that previous translators (Buhler 1965[1879b], 1964[1886]; Burnell 1971[1884]; Jones 1796) have understood as referring to eunuchs: if one were to kill a *shandha*, he/she would owe one load of straw. This translation challenges the other interpretations of *shandha*, but, given that he understands the term to refer to eunuchs elsewhere, in a way that begs explanation.

In Julius Jolly's 1889 translation of the *Naradasmriti*, he translates several passages such that *kliba* refers to eunuchs. Eunuchs -- or, according the commentary of Asahaya, "one incapable of begetting offspring" (87) -- cannot bear witness in legal trials (1.179). Furthermore, eunuchs cannot drink holy water (1.332). It is interesting to note that, as indicated by the commentary of Asahaya, the reason that this is so is "because they are already deprived of the assistance of the gods in every case" (117). However, this text is exemplary in its discussion of the fourteen types of impotent men (12.12-12.13), which is relevant since the translator also calls them eunuchs (footnote 166): *nisargashandha* (a type of *shandha*) are naturally impotent; *vadhri* are those who have had their testes removed by blade; *pakshashandha* (another variant of *shandha*), Jolly notes, is a man who can approach a woman every half month (footnote 167); *abhishapadhu guro* is a man who has no virility because of a 'spiritual guide'; *abhishapadhu rogad* and *abhishapadhu devarodhat* are impotent because of either illness or the wrath of a deity; the *Sevya* are left undefined, although Richard W. Lariviere (2003) defines it as a "homosexual"; *irshyarpandasha* is unproductive because of jealous, just like the *vatareta* is so because his semen is as light as air and the *akshipto* is so since he spills his semen; a *moghabijsha* has no strength in his semen; a *shalino* is timorous; and an *anyapatis* is potent only with a woman other than his wife. To test the potency of these impotent men -- which Jolly translates generally as *pandaka* -- he also provides several checks (12.8-12.10). As a consequence for being a eunuch in this text, a woman who is married to the *akshipto*, the *moghabijsha*, or the *anyapatis* can find a new husband after waiting for half of a year (12.16). That is, these three types of *pandaka* are considered to be outside of the domain of marriage, since such a relationship is not binding.

Other than the *dharmashastras*, there are several texts that were translated to include references to persons ostensibly thought to be eunuchs. One of the four *Vedas*, the *Artharvaveda Samhita*, is one example of these writings. While there were originally nine renditions of this book, only two survive: the *Shaunakiya* and *Paippalada* editions. Both of the translations from which I draw are of the former version. Ralph Griffith (1968[1894]), who translated this scripture, refers to a passage, entitled: "To make a certain man impotent" (6.138). Griffith renders *kliba* to mean 'Unman' at one point (6.138.2), and as 'eunuch' in another, all in the same section. Second, he translates the term *vadhri* to be impotent. *Vadhri* is a Sanskrit word that has as its root, *vadh*, which means 'to strike', and is, therefore, thought to denote castration through the striking of the testicles (Gray 1908; Penzer 1936; Saletore 1974). Given that *vadh* is also used to refer to the act of slaying in this text (9.2.11), I must agree with this translation of *vadh* as castrati. This is significant because Griffith conflates *kliba* with *vadhri*; that is, unmanning and impotence are linked through the trope of the eunuch. This is emphasised in the same section, where Griffith notes that *kliba* and *vadhri* must wear a "horn of hair" (6.138.2 and 6.138.4), which he asserts denotes a "mark of effeminacy" (footnote 322). Thus, not only does he connect being 'unmanly' and impotence to eunuchs, but he also links them to effeminacy. Likewise, in his translation of the same section, Maurice Bloomfield, in his *Hymns of the Atharva-Veda* (1969[1897]), interprets both *kliba* and *vadhri* to refer to eunuchs. In a later passage, Griffith further evidences this connection. When a man who is trusted as a brother or a father comes to a pregnant woman in her sleep, "[l]et Baja[302] rout and chase them like eunuchs [*kliba*] with woman's head-dress on" (8.6.7). This reference invokes the protection of the herb to chase away someone who betrays trust, like a eunuch who is wearing a woman's head-dress (*tiritin*). Thus, through the term *kliba*, the quality of untrustworthiness, eunuchs, transvestism, and sexual immorality are all connected through this passage. In the last reference to *kliba*, Griffith describes the Kukundhas and Kukurabhas, two types of demons (Burrow 1970), who dance like eunuchs (8.6.11). This reference is significant because it links dancing with eunuchs, which, as I discuss in chapter seven, is an enduring and complicated theme.

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[302] According to Monier-Williams (1899[1851]), this refers to an herb that is used to keep evil spirits at bay.

Unlike Griffith's version, which is a more popular and less rigorous translation, William Whitney's (2000[1905]) rendition of the *Artharvaveda Samhita* is considered to be more academic and, therefore, less accessible. Also unlike Griffith, the only word that Whitney translates to mean eunuch is *vadhri*; *kliba* refers to just impotence. The only deviation to this is in one later passage: he links *kliba* to a eunuch in female garb in the context of the betrayal of trust (8.6.7). However, Whitney makes pains to preserve the working of the Sanskrit: the original text refers to *klibarupa*, and not just *kliba*. Since one of the meanings of *rupa* is form, the translator interprets the phrase to mean 'eunuch-formed'. That is, the herb does not protect the pregnant woman from someone like a eunuch, but someone whose form is like that of a eunuch.

Another set of writings, the *Vajasaneyi Samhita*, make up a key text of the *Shukla* (White) *Yajurveda* School (as opposed to the *Krishna Yajurveda* School), which is part of the teachings of one of the *Vedas*, the *Yajurveda*. Griffith also translates this text, under the name *The Texts of the White Yajurveda* (1987[1899]). As in his previous works, he converts the Sanskrit *kliba* to the English 'eunuch'. In a section that discusses the *purushamedha*, or human sacrifice, the ceremony of which, the translator notes, was emblematical, since no person was actually killed but all were released after the ceremony (280), Griffith narrates that a eunuch is to be sacrificed at the stake for (the God of?) Misfortune[303] (30.5). In his *Indian Caste* (1976[1877]), John Wilson also understands this passage as relating to a eunuch. Later, Griffith notes that a eunuch (*kliba*) of neither *shudra* nor *brahmin* caste is to be offered to Prajapati, the Vedic God of creatures (30.22). The other figures that join the eunuch in the sacrifice are a minstrel, a harlot, and a gambler. This list, then, places the eunuch in a certain type of company, characterised by the devaluing of their members in the British imaginary.

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[303] This passage is also present in the *Taittiriya Brahmana* (3.4.1), and is translated the same way by Paul-Emile Dumont (1963).

Following the *Vedas*, another body of texts that hold significant authority in Hinduism are the *Brahmanas*. One of these works, the *Shatapatha Brahmana* refers to eunuchs. Like the *Taittiriya Brahmana* (3.4.1) mentioned in a footnote above, this scripture refers to *klibas* as sacrificial victims (13.6.2.20.I.7), like that of the *Vajasaneyi Samhita* (30.5). However, unlike the *Taittiriya Brahmana*, it also includes a reference to a *kliba* as a sacrifice for Prajapati (13.6.2.20.XII. 25), such as that in the *Vajasaneyi Samhita* (30.22). The nineteenth-century translator of the *Shatapatha Brahmana*, Julius Eggeling, in the fifth part of the book, takes both of these passages to refer to a eunuch. Furthermore, in another section, he records the following: "Here now, other Adhvaryus buy the malted rice with lead from a eunuch, saying, 'That is that; for the eunuch is neither woman nor man, and the Sautramani is neither an ishti-offering nor an animal sacrifice'" (12.7.2.12). This quote represents the *kliba*, depicted here as a eunuch, in terms of liminality; since s/he is 'neither woman nor man', he makes the perfect provider of the necessary accruements for a ceremony that is liminal. In the third part of the *Brahmana* (1963[1885]), Eggeling provides the following translation:

> Now when he buys the king (Soma), he at the same time buys for a piece of lead the Parisrut (immature spirituous liquor) from a long-haired man near by towards the south. For a long-haired man is neither man nor woman; for, being a male, he is not a woman; and being long-haired (a eunuch), he is not a man. And that lead is neither iron nor gold; and the Parisrut-liquor is neither Soma nor Sura: this is why he buys the Parisrut for a piece of lead from a long-haired man. (5.1.2.14)

Again, this passage refers to the liminal position of the eunuch. However, in the Sanskrit, the word that Eggeling takes to mean eunuch is not *kliba*, but *kesava*, which means 'long-haired man'. In his translation of the *Katyayana Srauta Sutra*, or the Rules for Vedic Sacrifice (1978), H. G. Ranade also translates *kesava* as eunuch. In the context of the Vajapeya sacrifice, he states that "simultaneously with the buying of Soma there is the buying of liquor for exchange of a piece of lead from a long haired person (eunuch)" (14.1.14). Again, the *kesava* is connected to the ritual through providing something for the price of lead.

In another type of *smriti*, the *puranas*, there is one text that continues the translation pattern: the *Garuda Purana*. This book, translated by Ernest Wood and S. V. Subrahmanyam (1974[1911]), has a reference to *shandha*, which the authors of the English version interpret as eunuch. In one passage, Garuda, the mount to the God, Vishnu, explains that, if one commits illicit intercourse, she/he will be reborn as a eunuch (5.4). Through the Sanskrit *shandha*, then, eunuchs become attached to illicit sex. Prior to this translation, in 1877, Wilson (1976[1877]) translated a part of the *Garuda Purana*. In his rendition, *shandha* was also interpreted as a eunuch.

One text that is not often considered as authoritative as the previous ones, but is still quite influential, is the *Arthashastra*. In this book, attributed to Kautilya, there are several references to eunuchs. Unfortunately, since no nineteenth-century translations of this complete piece exist, I draw on the 1915 translation of R. Shamasastry. In this, three points emerge as useful for my project. First, he interprets *kliba* to refer to eunuchs. In the first passage that this takes place, Kautilya speaks against defamatory language, such as calling a person a eunuch, regardless of the veracity of the claim (3.18.4). Impotency (*kliba*), rather, should be determined by the evidence of "women, the scum of urine, or the low specific gravity of faeces in water" (218). Furthermore, eunuchs [*kliba*] should not have the ability to inherit (3.5.30). In 1848, the legalist Mayne (1953[1848]) maintains that this reference to *kliba* refers to a eunuch; that is, this reference in the *Arthashastra* had legal ramifications, defining eunuchs in terms of exclusion well before the 1915 edition. Second, in the context of the Sanskrit word *shandha*, Shamasastry asserts that the *Arthashastra* states that eunuchs will be spies in their households (1.12.21); like discussions of other translations, eunuchs are depicted in terms of untrustworthy characteristics. Finally, Shamasastry's *Arthashastra* states:

> Eighty men and fifty women under the guise of fathers and mothers, and aged persons, and eunuchs shall not only ascertain purity and impurity in the life of the inmates of the harem, but also so regulate the affairs as to be conducive to the happiness of the king. (1.20.21)

This explicitly links the eunuchs in the harems of a pre-Muslim India. However, eunuch, in this case, is the interpretation of the Sanskrit *varshadhara*. This term was also used in the third- or fourth-century Sanskrit treatise on Indian drama, the *Natyashastra*,

The *Kamasutra* is another text that sits outside of the realm of authoritative literature, but still has some weight. While this source has captured the imagination of many in 'Western' academia, it should be noted that it is but one of many manuals devoted to love and sex; in fact, Vern Bullough (1976) refers to eight others. In an often-quoted passage, the ninth chapter of this text tells of a particular form of sexual activity engaged with by eunuchs: felatio. However, the term that the translators -- Richard Burton and F. F. Arbuthnot (1963[1883]) -- take to indicate eunuch is *tritiya prakriti*. Literally 'third nature', this Sanskrit expression has a rich history in Sanskrit literature, of which its presence in the *Kamasutra* is only an example.

Sanskrit literature is not the only to be translated in such a way as to represent eunuchs. Pali, often considered to be the preferred language of Buddhism, also has several such references. One such body of texts are the *Vinaya Pitaka*, one of the three components of the Buddhist key scriptures, called the *Tripitaka*. One book of the *Vinaya Pitaka* is called the *Kullavagga*. This was translated into English by Thomas William Rhys Davids and Hermann Oldenberg in 1881. One reason that this text is notable is that the translators differentiated eunuch from hermaphrodite; in one passage, it is said that if a monk erects a building, and leaves the Buddhist monastic order, only to return, the edifice will belong to the Sa*m*gha if he became a eunuch [*pandaka*] or a hermaphrodite [*ubhatobhanjanata*]. A second text of the *Vinaya Pitaka* is the *Mahavagga*. Also rendered into English by Davids and Oldenberg, part one of book (1965[1881b]) records a tale of a eunuch (*pandaka*) who attempted to tempt the monks to violate their vows (1.61.1-2); the section speaks of the unworthiness of eunuchs, especially in the monastic order. In another portion of the writings, a story was told of how a monk who pretends to be a eunuch [*pandaka*] or a hermaphrodite [*ubhatobhanjanata*] loses his 'purity' and has deviated from the proper course of action (2.22.3). Furthermore, monks are told that they cannot recite the Patimokkha -- a set of vows relating to monastic discipline in the *Vinaya Pitaka* -- in front of a eunuch [*pandaka*] (2.36.3). In addition, another segment cautions against a monk accepting a call by a eunuch [*pandaka*] to reside with him during the rainy period (3.11.4). Since the other persons mentioned with the *pandaka* are a harlot and a grown girl, it appears that the reference is to sexual temptation. In the second part of the translated book (1965[1882]), there is another reference to property reverting to the monastic order if a monk pretended to be a eunuch [*pandaka*] or a hermaphrodite [*ubhatobhanjanata*] (8.30.1). Eunuchs [*pandaka*] must also not help with ceremonies (9.4.2) or, with hermaphrodites [*ubhatobhanjanata*], be restored to the monastic order (9.4.10).

One other Pali text of interest is the *Milindapanha*, or *The Questions of King Milinda*. Translated by Thomas William Rhys Davids, the first part of this text (1965[1890]) refers to eunuchs [*pandaka*] as not being able to keep a secret (4.1.6). In the second part of the book (1965[1894]), eunuchs [*pandaka*] and hermaphrodites [*ubhatobhanjanata*], even if they live their lives in a correct fashion, cannot gain insight into the truth (4.8.53). It is clear from these, as well as previous, passages that eunuchs are not only undesirable, but are unable to achieve a higher level of spiritual awareness.

The final source that I want to discuss is the epic poem, the *Mahabharata*. While there are many references to this book in the works of various writers, the two main nineteenth-century English translations of this text are Kisari Mohan Ganguli's *The Mahabharata of Krishna-Dwaipayana Vyasa* (1883-1896)[304] and Manmatha Nath Dutt's *A Prose English Translation of the Mahabharata*

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[304] This version is sometimes erroneously referred to as that of Pratap Chandra Roy.

(1997[1895–1905]). However, it is important to note that the former edition is far more popular.

Two of the most often recounted tales of eunuchs from this important text are those of Urvashi cursing Arjuna and Arjuna infiltrating the court of Virata as Brihannala. The former legend speaks of Arjuna resisting the sexual advances of the supernatural Urvashi. Spurned, she curses him to be a *shandha* (3.46). Unlike Dutt's version, in which he ignores the reference to *shandha*, Ganguli's translation of this passage interprets this term to designate eunuch. However, in the same section, Ganguli takes *apunstva*[305] to refer to "without manhood", even though the word refers to the same condition as *shandha* and the subsequent rendering of eunuch; Dutt takes the word to indicate "being deprived of manhood". This is significant, because, in a later episode, Ganguli defines *kliba* to mean *apunstva*, or without *punstva*, which makes him a eunuch (5.75); here, he understands *punstva* to indicate manliness. In this way, his interpretation of this narrative links *shandha* with *apunstva* in a way that centers on masculinity. Likewise, John Oman (1912[1894]) comprehends this passage to signify the state of being "destitute of manhood" (144). Annie Besant (1899), though, takes the reference to be one of eunuch (115).

The second story is a more popular one. During his thirteen-year exile, Arjuna, with his brothers, infiltrated the kingdom of Matsya, which was ruled by Virata. Arjuna dressed up as Brihannala, a dancer, who was also described as: *tritiya prakriti* (4.2); *shandha* (4.2); *kliba* (4.11, 4.39); and *napumsaka* (4.36). Ganguli and Dutt take all four terms to refer to the 'neuter sex' and the 'third sex'. However, both understand *kliba* to indicate a eunuch (4.39), even though, in the same passage, they translate *kliba* to denote the 'third sex'. This demonstrates a conflation of the 'third/neuter sex' and eunuchdom. Monier Monier-Williams, in his *Indian Epic Poetry* (1863), comprehends *tritiya prakriti* in this text as referring to eunuchs (105). Generally, however, Brihannala is most often represented as a eunuch in this story (Besant 1899; Monier-Williams 1863; Oman 1912[1894]). For Hanns Oertel (1905) the court that Arjuna sneaks into is a harem; Arjuna "is clothed as a eunuch and so gets acquainted with the daughter of Virata in the harem" (185). These translations, then, insist on linking eunuchs to the harem and to the institution of the 'third sex'.

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[305] Graves Haughton translates *apunstva* to mean a eunuch or "[n]ot a man" (1987[1833]: 832).

Outside of these two sections, there are several references to *kliba* as denoting eunuchs in Ganguli's and Dutt's translations. One significant context for this translation is in terms of masculinity. For both authors, a *kliba* is denied *punstva* (5.75). In another part of the text, masculinity, as defined by aggression, is not in the character of eunuchs: "Without wrath as thou art, thou canst not be counted as a man. Thy features betray thee to be a eunuch" (5.133, Ganguli's translation). Furthermore, if a man chooses a life in which foes are not opposed, one has chosen the path of a eunuch (5.134); in the words of Dutt: "You are now following a course of life which is fit only for eunuchs".

Elsewhere, a *kliba* is defined in other terms. At one point, eunuchs are connected with servitude; Ganguli renders a verse as: "A man is the slave of wealth, but wealth is no one's slave. This is very true, O king. I have been bound by the Kauravas with (their) wealth. It is for this, O son of Kuru's race, that like a eunuch I am uttering these words, *viz.*,--Bound I am by the Kauravas with wealth" (6.43). Eunuchs cannot have children or wealth (12.14; 13.9). People should not accept food from them (13.135). While their jobs are to guard women (3.150), in a passage that is reminiscent of those who position *kliba* outside of the realm of men, Ganguli notes that they cannot fight righteously (9.35). Finally, *kliba* cannot rule, according to Ganguli (8.70; 12.10) and Dutt[306] (12.10); in other words, "[w]here on Earth has a eunuch or a procrastinating person ever acquired sovereignty?" (12.8, Dutt's translation).

However, according to both versions, it is not only a *kliba* who is a eunuch who cannot rule; a *napumsaka* is also a eunuch who is unfit for leadership (12.142). In addition, such a eunuch cannot be present when the king engages in his consultations (12.83). Not just being connected in politics, according to Ganguli, eunuchs as *napumsaka* are connected with the third sex. In a discussion between Death and Brahma, Brahma says to Death: "Thou shalt become a male in all male beings, a female in all female beings, and a eunuch in all those that are of the third sex" (12.258, Ganguli's translation).

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[306] Instead of attributing eunuchdom to *kliba* in the context of sovereignty in 8.70.46, Dutt states: "An impotent man I am, what is the use of my having the sovereignty".

The last Sanskrit word that Ganguli and Dutt translate as eunuch is *shandha*. In his rendition of the *Mahabharata*, Ganguli writes that women do not desire a eunuch (5.38). Eunuchs are also defined by their lack[307] (12.78) in both versions of the text. Finally, they are lowly: "The *Mlecchas* are the dirt of mankind: the oilmen are the dirt of the *Mlecchas*; eunuchs are the dirt of oilmen; they who avail of the priestly ministrations of *Kshatriyas*, in their sacrifices, are the dirt of eunuchs" (8.45, Ganguli's translation).

Through this examination of the contexts of the passages in which the various Sanskrit and Pali terms were translated as 'eunuch', several themes emerge. First, the figure that became known as the eunuch faced various types of religious exclusion. Second, they were excluded in a variety of legal ways, such as marital exclusion and exclusion from inheritance, even if the offspring of a so-called eunuch is not privy to the same sanction. In fact, this category of person is not supposed to gain wealth, but must be supported. Also, they can not stand as witnesses during legal trials. Third, this group is represented in contexts of 'thirdness'. They are the third or neuter sex, neither man nor woman, and sometimes discussed in the context of liminality. Yet, in spite of this, they are often depicted in a gendered framework; that is, they are often disconnected with masculinity, and linked to femininity. Moreover, they are explicitly associated with characteristics that are often connected with deviations from a colonial form of masculinity: they cannot be attacked in battle; they cannot govern; and they are associated with servitude. In this way, they are both represented as third and as persons who deviate from purported masculine norms. In addition to these themes, eunuchs are portrayed in terms of devaluation. They are untrustworthy, sexually immoral, and to be avoided. Additionally, the punishment for killing a eunuch is comparatively low. Finally, eunuchs are connected to harems and dancing. Through these texts, then, the classification of persons considered to be eunuchs were represented in terms of the attributes connected to these themes.

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[307] "As an elephant made of wood, or a deer made of leather, as a person without wealth, or one that is a eunuch, or a field that is sterile, even so is a Brahmana that is void of Vedic lore and a king incapable of granting protection?" (Ganguli's translation).